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Book V 83









*R. H. Gullett*

ALBANY ARGUS EXTRA.

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THE

*R. Lansing*

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**VOICE OF THE PEOPLE,**

AND THE

**F A C T S,**

IN RELATION TO THE REJECTION

OF

**MARTIN VAN BUREN,**

BY THE U. S. SENATE.

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ALBANY:

PRINTED BY PACKARD AND VAN BENTHUYSEN.

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1832.



## THE VOICE OF NEW-YORK.

At a meeting of the republican members of the Legislature of the State of New-York, convened in the Assembly chamber, on Friday evening, February 3, 1832, the Hon. EDWARD P. LIVINGSTON, Lieut. Governor and President of the Senate, was called to the chair, and the Hon. CHARLES L. LIVINGSTON, Speaker of the Assembly, and Hon. EDWARD HOWELL of Steuben, appointed secretaries.

Mr. N. P. TALLMADGE, of the Senate, chairman of the committee appointed to call legislative meetings, offered the following resolutions on behalf of the committee, viz :

*Resolved*, That we look upon the rejection of the nomination of MARTIN VAN BUREN as Minister Plenipotentiary to Great Britain, as an act calculated in the highest degree, to reflect dishonor upon the nation in the eyes of foreign states, and to degrade the Senate of the United States in the eyes of our own citizens :

That it is, at this time, the more to be deprecated, as its tendency is to draw into doubt and uncertainty with the British government, the policy of our own, by stamping with condemnation an appointment made by the Chief Magistrate, for the purpose of concluding a negotiation, for the settlement of questions involving principles of the highest national importance; a negotiation, of which the failure might possibly lead to an interruption of our friendly relations with a power, between whom and ourselves, it is of vital interest to both parties, that a mutual good understanding should be maintained :

That it is an indignity offered to the Chief Magistrate of the nation, and an insult to his long, devoted and patriotic services; that it is worthy of being a concluding scene to the drama, which opened by arraighing his military character on the floor of Congress, and continued by waging a vindictive warfare against his late cabinet, and by invading with ruthless violence, the sanctuary of his domestic peace :

That it is an outrage to the unblemished private character, eminent talents and distinguished public services of the individual whose nomination has been rejected ; carrying with it the disheartening moral, that no purity of reputation is a safeguard against the envy and malice which are constantly seeking to bring down to their own level in the scale of opinion, all who succeed, by disinterestedness and virtue, in rising above it :

That in the rejection of his nomination, the public expectation has been disappointed, the public honor tarnished, and the public interests put at hazard, by a corrupt combination for political objects.

*Resolved*, That we have the highest confidence in the integrity, patriotism, talents and virtue of MARTIN VAN BUREN ; that we regret his rejection only in its relation to the public interests, and in its tendency to degrade the character of the Senate of the United States in the eyes of the nation, and the character of the nation in the eyes of the world :—confident in the belief that corrupt condemnations, by whatever tribunal pronounced, always have the effect of elevating these whom they are intended to destroy.

*Resolved*, That in turning our attention from the authors of this foul disgrace to the People of the State of New-York, we recognize the proper tribunal for reversing this unrighteous judgment; that we have unbounded confidence in their intelligence, their virtue and their justice; and that we look to them for suitable manifestations of their abhorrence of the wanton injury visited upon an illustrious citizen, and, through him, the dishonor visited upon the country.

*Resolved*, That the thanks of the nation are due to those members of the Senate of the United States, who, faithful to the public interests and to their own honor, firmly, though fruitlessly, resisted the sacrifice of an individual, distinguished for public and private virtues, at the altar of personal hostility.

*Resolved*, That considering the rejection of Mr. VAN BUREN as a blow aimed at the President of the United States, through an individual high in his confidence, we deem it proper on this occasion, to express our entire confidence in his character, talents and the principles of his administration; that the successive attempts to impair his standing and embarrass his public course, have had the effect of elevating him in our estimation, and confirming his claims to our respect and gratitude; and that we pledge ourselves to rally around and sustain him against a combination of political aspirants, whose success would be as disreputable to the character of the country, and as desolating to its prosperity, as his civil and military services have been glorious to the one and invaluable to the other.

Mr. TALLMADGE, having read the resolutions, addressed the meeting with great eloquence and effect. He depicted the life and services of MARTIN VAN BUREN—his devotion to the democracy—his career, as brilliant as it had been useful, in the maintenance of great constitutional and republican principles—the ardent attachment of the people of New-York to him who under all circumstances had consulted their interests and devoted himself to their welfare—the eminence to which, under the confidence of a republican people, he had raised himself, without the adventitious aids of wealth and rank—the ability and fidelity with which he had discharged these high functions, acquiring a just renown for himself, and honor and glory for his native state—the envy and hostility with which the aristocracy had pursued him, from his first and humblest efforts, to the last and crowning act of infamy and malice on their part in his rejection by the casting vote of an aristocratic personal and political rival—the double blow which was thus aimed at the President of the United States, in this assault upon his friend, and upon a leading and successful measure of his administration, and at the State of New-York, through a citizen who has no superior in her affections, and for whom on this occasion, she will speak with a tone that will vindicate her honor, and sustain her favorite son.

Messrs. EDMONDS and FOSTER, of the Senate, and Mr. OTIS, of the Assembly, also addressed the meeting, pertinently and eloquently.

The resolutions were then unanimously adopted.

On motion of Mr. EDMONDS, it was resolved, that the resolutions relative to the rejection of the nomination of the Hon. MARTIN VAN BUREN be signed by the republican members of the Legislature,

and that a committee be appointed to transmit copies thereof to the President of the United States, to Mr. Van Buren, and to the Senators and Representatives of this State in the congress of the U. S. Thereupon, the chairman appointed the committee, as follows:—

Messrs. Tallmadge, Armstrong, Beardsley, Hubbard and Edmonds, of the Senate; and Messrs. Livingston, Howell, Litchfield, Wood, Remer, Ostrander, Angel, Hughston, Williamson and Seymour, of the Assembly.

#### OF THE SENATE.

##### *First District.*

STEPHEN ALLEN,  
ALPHEUS SHERMAN,  
JONATHAN S. CONKLIN,  
HARMAN B. CROPSEY.

##### *Second District.*

SAMUEL REXFORD,  
NATHANIEL P. TALLMADGE,  
DAVID M. WESTCOTT,  
ALLAN MACDONALD.

##### *Third District.*

LEWIS EATON,  
WILLIAM DIETZ,  
HERMAN I. QUACKENBOSS,  
JOHN W. EDMONDS.

##### *Fourth District.*

JOHN McLEAN, Jr.  
ISAAC GERE,  
WILLIAM I. DODGE,  
JOSIAH FISK.

##### *Fifth District.*

ALVIN BRONSON,  
HENRY A. FOSTER,  
ROBERT LANSING.

##### *Sixth District.*

JOHN F. HUBBARD,  
LEVI BEARDSLEY,  
JOHN G. M'DOWELL.

##### *Seventh District.*

THOMAS ARMSTRONG,  
JEHIEL H. HALSEY.

#### OF THE ASSEMBLY.

##### *Albany county.*

WILLIAM SEYMOUR,  
PHILIP LENNEBECKER,  
ABIJAH C. DISBROW.

##### *Cayuga co.*

GEORGE H. BRINKERHOFF,  
JOHN W. SAWYER,  
JOHN BEARDSLEY,  
GEORGE S. TILFORD.

##### *Columbia co.*

LEONARD W. TEN BROECK,  
MEDAD BUTLER,  
TOBIAS L. HOGEBOOM.

##### *Corland co.*

ANDREW DICKSON,  
JONATHAN L. WOODS.

##### *Delaware co.*

JAMES HUGHSTON,  
JAMES COULTER.

##### *Dutchess co.*

ROBERT COFFIN,  
ELI HAMBLIN,  
MICHAEL S. MARTIN,  
ISRAEL SHADBOLT.

##### *Essex co.*

ISAAC VANDERWARKER.

##### *Franklin co.*

JAMES B. SPENCER.

##### *Greene co.*

DUMAH TUTTLE,  
ERASTUS HAMILTON.

##### *Herkimer co.*

WILLIAM C. CRAIN,  
DAVID THORP,  
DANIEL DYGERT.

##### *Jefferson co.*

WILLIAM H. ANGEL,  
PHILIP MAXWELL,  
NATHAN STRONG.

##### *Kings co.*

COE S. DOWNING.

##### *Lewis co.*

ANDREW W. DOIG.

##### *Montgomery co.*

PETER WOOD,  
SILAS PHILIPS,  
JACOB VAN ARNUM.

##### *New-York co.*

SILAS M. STILWELL,  
PHILIP E. MILLEDOLER,  
MORDECAI MYERS,

MYNDERT VAN SCHAICK,  
CHARLES L. LIVINGSTON,  
JAMES MORGAN,  
JUDAH HAMMOND,  
GIDEON OSTRANDER,  
ISAAC L. VARIAN,  
JOHN M'KEON,  
NATHAN T. ARNOLD.

##### *Oneida co.*

DANIEL TWITCHELL,  
DAVID MOULTON,  
LEMUEL HOUGH,  
NATHANIEL FITCH,  
RUTGER B. MILLER.

##### *Onondaga co.*

ELISHA LITCHFIELD,  
ELIJAH W. CURTIS,  
MILES W. BENNETT,  
ICHABOD ROSS.

##### *Orange co.*

ISAAC R. VAN DUZER,  
CHARLES WINFIELD,  
JOHN BARKER.

##### *Oswego co.*

AVERY SKINNER.

##### *Otsego co.*

AMASA THOMPSON,  
GILBERT CONE,  
WILLIAM KIRBY,  
SAMUEL COLWELL.

##### *Putnam co.*

REUBEN D. BARNUM.

##### *Rensselaer co.*

JOHN C. KEMBLE,  
NICHOLAS M. MASTERS,  
HOSEA BENNETT,  
HENRY J. GENET.

##### *Richmond co.*

JACOB MERCEREAU.

##### *Rockland co.*

ISAAC I. BLAUVELT.

##### *Schenectady co.*

ABRAHAM DORN.

##### *Saratoga co.*

ORAN G. OTIS,  
JAMES BRISBIN, Jr.  
EBENEZER COUCH.

##### *St. Lawrence co.*

WILLIAM ALLEN,  
EDWIN DODGE.

##### *Schoharie co.*

ALEXANDER CROOKSHANK.

##### *Seneca co.*

REUBEN D. DODGE,  
ERASTUS WOODWORTH.

##### *Steuben co.*

EDWARD HOWELL,  
JOHN M'BURNEY.

##### *Suffolk co.*

JOHN M. WILLIAMSON,  
SAMUEL L'HOMMEDIEU, Jr.

##### *Tioga co.*

NATHANIEL SMITH,  
JOEL TALLMADGE, Jr.

##### *Tompkins co.*

HORACE MACK,  
JOHN JAMES SPEED, Jr.

##### *Ulster co.*

LEONARD HARDENBERGH,  
HEMAN LONDON.

##### *Warren co.*

ALLEN ANDERSON.

##### *Washington co.*

ISAAC W. BISHOP.

##### *Wayne co.*

AMBROSE SALISBURY,  
JAMES HUMESTON.

##### *Westchester co.*

ISRAEL H. WATSON.

##### *Yates co.*

AARON REMER.

EDWARD P. LIVINGSTON, *Chairman.*

CHARLES L. LIVINGSTON, }  
EDWARD HOWELL, } Secretaries.

## REMARKS OF HON. N. P. TALLMADGE,

In the Republican Legislative Meeting, on moving the adoption of the resolutions expressing the sentiments of the representatives of the Democracy of New-York, in relation to the rejection of Mr. VAN BUREN'S nomination.

Mr. President: The resolutions which I have had the honor to submit for the consideration of this meeting, but faintly express the indignant feelings which pervade this whole community. The rejection, by the Senate of the U. S. of MARTIN VAN BUREN, as Minister Plenipotentiary to Great Britain, is an event unparalleled in the history of our government. Wherever the news has reached, the public indignation has been manifested, by the spontaneous assemblage of the people, who have pronounced, in the severest terms their judgment of condemnation upon the authors of this daring outrage. These manifestations of public sentiment, on this subject, will continue to be made, as the information spreads through this widely extended state.

Amidst these demonstrations of the people's will, we, their representatives, cannot fail to respond to the popular voice, and to express our sentiments at this unequalled insult offered to the honor of our state. In doing this, let us not be embarrassed by the measured language in which they shall be conveyed. Those who have had neither regard for their country, nor respect for themselves, can claim from us no other language than that which is best suited to the occasion. The people of this State and of this Union have heretofore looked with becoming reverence on the Senate of the U. S.—they have viewed it as the most dignified body under the government. By its recent transactions, it has descended from that high elevation. It is degraded in the eyes of the nation, and the nation in the eyes of the world. When men deliberately convert the senate chamber into an arena, and themselves consent to become political gladiators, it is high time that the people knew the character of their servants, and the manner in which the public interests are sacrificed to promote their own private views. It is high time that the unholy combination to disgrace or destroy a distinguished individual, should be exposed to public scorn and detestation—and that the hypocritical pretence of a nice and sensitive regard for the honor of the nation, should give place to the real causes of the outrage, an unnatural alliance for the promotion of personal and political objects.

Who, let me ask, is this distinguished individual whom these political aspirants have thus attempted to disgrace and destroy? He is well known to us all. The people of this state are familiar with his name, and with the services he has rendered to his country. His reputation is dear to them, and they will be the last to suffer it to be tarnished by foul aspersions, however high or however low their origin. He is literally one of the people. He is not of that class, which, in the early stages of the government, were denominated "the rich and well born"—an odious distinction, which has been attempted to be preserved to the present day, and which has often been claimed, with an air of triumph, on the part of those who have looked with a jealous eye on the success of favored individuals whom the people have delighted to honor. No sir: he is of humble origin. He is the artificer of his own fortunes; and often, in the course of his politi-

cal career, has he been reproached with the humility of his birth. The pride of wealth and of family distinction has sneered at his advancement, and has attempted to frown into retirement the man, whose native energies rose superior to its own exertions. The attempt has been in vain. It was contrary to the spirit of our free institutions. In this country, the road to promotion, in the honors of the government, is open to all. Every individual is free to travel it—no efforts of the aristocracy shall be suffered to impede his progress. We all have the deepest interest in preserving this principle inviolate, and of cherishing the fair fame of those who have, unaided and alone, worked their own way to distinction. Once suffer such a proscription, and the youthful aspirations of our own children may hereafter be stifled by this overgrown and overbearing aristocracy. As we value the future welfare and success of our own sons in life, let us rally round the man who has been the pioneer in the people's cause, and teach the enemies of equal rights, that

"Honor and shame from no condition rise;  
"Act well your part, there all the honor lies."

What, sir, is the history of this persecuted statesman? When he attained to manhood, he was found engaged in the arduous duties of an honorable profession, and successfully combatting, with veterans at the bar, for those honors and distinctions which are the results of unwearying industry and perseverance, and the rewards of talent and genius. His brilliant efforts soon acquired for him a reputation which placed him beyond the reach even of envy, and advanced him to the high and honorable station of Attorney General of this state. He discharged the duties of this station with equal credit to himself and to the government. No man made farther progress in legal attainments. The late Mr. Henry, who held the highest rank in his profession, was proud to call him his friend, and to accord to him an equal standing with himself, amongst that host of giant minds by which the Bench and the Bar were then adorned.

The war in 1812, between the United States and Great Britain, found him in the senate of this state. It was here that his talents shone most conspicuous. Beset by foes without and enemies within, the country presented to the eye of the patriot a most gloomy prospect. Unaided, or but partially aided, by the general government, we were called upon to provide the means to repel the invader, both by sea and by land. The patriotic Tompkins was then at the head of this state; and with an eye that never slept and a zeal that never tired, he devoted himself to the service of his country. No man rendered him more efficient aid than Mr. Van Buren. In yonder senate chamber, his eloquence was often heard in favor of providing means and of granting supplies to carry on the war—to feed and clothe our half starved and half clad soldiery; while some of his present persecutors were openly rejoicing at the defeat of our arms, and secretly imploring success on those of the enemy.

After the close of the war, and when peace was once more restored to our distracted country, you at length see him in the convention to revise the Constitution. Here he was again surrounded by the collected wisdom and talent of the state—a constellation of genius, in which none appeared more brilliant than himself. Here it was, that he contended against the aristocracy of the land, in favor of the people in the extension of the right of suffrage.— Here it was, that, with others of the democratic school, he prevailed over those who were unwilling to entrust more power to the people, and happily established the principle that in a government like ours, the people are capable of governing themselves.

We next behold him in the Senate of the United States, that dignified body, which was adorned by his presence, and which has been degraded in his absence. Here he scarcely found an equal, and acknowledged no superior. No man discussed with more ability the important subjects that came before them. With a thorough knowledge of the history of the government, and its various relations, he grasped all matters with a force and comprehension, which astonished, whilst it commanded the admiration of all who witnessed his giant efforts. His speech on the Judiciary will be remembered as long as the judicial department of the government shall exist, and his splendid effort in favor of the surviving officers and soldiers of the Revolution will not be forgotten as long as the Almighty spares the honored remnant of that heroic race, and whilst their descendants cherish the principles of their immortal sires. Here, he maintained the true principles of the constitution, and the long established practice of the government, to permit the President to choose his own Cabinet—his confidential advisers—and to select his own agents—the foreign ministers—to conduct our negotiations at foreign courts—and to hold him responsible for the acts of the administration. It was at this period that the nomination of HENRY CLAY, by President Adams came before the Senate for their consideration. Mr. Clay secured Mr. Adams's election as President, when the question came before the House of Representatives, of which Mr. Clay was a conspicuous member. It was well known throughout the country, that they had been bitter rivals during the Presidential canvass, and it will not soon be forgotten, that during this period, such was their bitterness that each threatened to expose the other, and thus satisfy the people that neither was worthy of the suffrage or confidence of the nation. No sooner was the election determined, and Mr. Adams declared President, than he nominated Mr. Clay, his former bitter enemy and rival, to the high and responsible office of Secretary of State. It is not for me to say, that there was any thing improper in this nomination. But it was at the time publicly alleged, and by a great portion of the people believed, that it was the result of a corrupt bargain between them. Such was the public indignation on the subject, that the Senate of the United States, and Mr. Van Buren in particular, as the most prominent member of it, would have been fully justified by the people in rejecting that nomination. But, true to the spirit of the constitution and the usage of the government, he declined to interpose objections, and voted for the confirmation. Mr. Clay is now a member of that Senate, and is one of that desperate triumvirate who caused Mr. Van Buren's rejection!

From this high and exalted station, rendered still higher and more exalted by his integrity and his talents, Mr. Van Buren was called by the democra-

cy of New-York to preside, as chief magistrate, over the destinies of his native state." His executive career was short but brilliant. He rose to that eminence, soon after the setting of that splendid luminary that preceded him, and was surrounded by the light that still lingered on his path. None but talents of the highest order could have been brought into such palpable comparison, without suffering by the contrast. But, it is no disparagement to his distinguished predecessor to say, that Mr. Van Buren fully sustained the high character of the station, which his genius and attainments had imparted to it.

From this place he was soon called by gen. Jackson, on assuming the administration of the general government, to the honorable and responsible office of Secretary of State. But he left the impress of his genius upon our local institutions, and gave to our banking system a safety and security which cannot but be felt by generations yet to come. It was at the seat of the national government, in his new situation, that he was destined to add to a reputation already beyond the reach of envy or of rival ambition. He was now seen moving in a more extended sphere. He seemed to grasp, as by intuition, the whole range, both of the domestic and foreign relations of the country; and it may with truth be said, that, from the days of Jefferson to the present time, the arduous duties of that department were never discharged with more distinguished ability than by him. Our foreign negotiations, which had lingered and languished under the preceding administration, were revived and invigorated by the "master spirit" which now directed, under the guidance of an upright and single-minded President, the affairs of the nation. That miserable system of diplomacy, the offspring of intrigue and corruption in foreign courts, now gave place to plain and manly dealing. That which others had attempted to accomplish by indirection, was now accomplished by proceeding directly to the object in view. The claims of our citizens on foreign governments had, before this, been suffered to linger along till those citizens had almost relinquished, in despair, the hope of ever bringing them to a successful termination. No sooner did he assume the direction of them, than their hopes revived, and in a short period, they had the proud satisfaction to see their rights asserted and their claims allowed in a manner surpassing their most sanguine expectations. The prompt settlement of our differences with Denmark and Brazil evinces the energy which had thus been infused into the state department. France too, that had so long withstood our demands for redress, for spoliations on our commerce under another dynasty, now yielded to the reasonableness of our claims, when presented in the plain and simple garb of truth and justice. The amount which our government obtained far exceeded the hopes of the claimants themselves, and far exceeded the amount at which our minister at the French court, under the preceding administration, had been authorised to settle. Under Mr. Van Buren's auspices too, a treaty with the Sublime Porte has been concluded, by which our commerce is extended to places where it never reached before. The American flag, which had been fanned by every breeze in almost every sea, is now proudly waving in ports where it was previously unknown. Our vessels now float on the sea of Marmora, and spread their broad canvass on the dark waters of the Euxine.

Not to weary you, sir, with the repetition of what is well known to all who hear me, I pass over many questions between us and foreign governments, which received the prompt attention of the Secreta-

ry, and the President under whom he acted, and which were adjusted during his continuance in office, or which were in a successful train of adjustment.

I come, now, sir, to our relations with Great Britain, in reference to which, his instructions to Mr. McLane, our late minister at the court of St. James, have been called in question; and have been made the *pretended* groundwork for his rejection.—For years, Messrs. Adams and Clay had been endeavoring to secure the trade of the West Indies; but, by their over-management and diplomatic arts, they had utterly failed to accomplish this great object, so important to the commercial interests of the country. They had superciliously refused fair and honorable propositions from the British government. And it was not until that government, disgusted with their chicanery, declined all farther negotiation, that they were compelled to abandon their vain pretensions, and humbly ask the very privileges which had once been offered and declined. Our late minister, Mr. Gallatin, was instructed by Mr. Clay, then secretary of state, to accede to the former proposition of the British government. But, that government, tired of such a vacillating, time-serving policy, rigidly adhered to its former stand, and would not even entertain the negotiation. It was for this, among other reasons, that the preceding administration was hurled from power by an indignant people, and gen. Jackson placed at the head of the government. On entering upon the duties of his office, Mr. Van Buren forthwith set about recovering this important branch of trade, which had been lost by Mr. Clay. With characteristic frankness, he met the question. He commenced the negotiation in a plain business-like manner, as if he meant what he said, and said what he meant. Unacquainted with the dissimulation, and despising the hypocrisy, of courts, like an honest farmer, in making a bargain, he came right to the point. In respectful and proper terms, he told the British government what we wished and what we would do. In his instructions to Mr. McLane, he said, it was not necessary to “enter into a particular defence of the omission on the part of the U. S., seasonably to embrace the offer of the direct trade made by Great Britain in the year 1825, and to which allusion has so frequently been made. Whether it be a subject more of regret or of censure, it ought to be enough that the claims advanced in justification of it have since been abandoned by those who made them—have received no sanction from the people of the U. S.; and that they are not now revived.” What else could he say? What less could he say, to satisfy that government, that, when we were asking them to open a negotiation which our own folly had closed, we did not intend again to trifle with them as they had been trifled with before? This frankness on our part was met by a corresponding frankness on theirs. The result is known to the American people. The country has been vastly benefitted by the success of this negotiation. The senate of the U. States has confirmed the arrangement by which these benefits were obtained—has confirmed the nomination of Mr. McLane, as Secretary of the Treasury, who was the negotiator in this matter, with discretionary power, under the instructions of Mr. Van Buren; and yet, unparalleled injustice! has rejected the nomination of the man, through whose instrumentality, and under whose direction, these advantages were secured!

But, we are told the wounded honor of the country required this sacrifice—And garbled extracts from Mr. Van Buren’s instructions, and mis-state-

ment of facts, are put forth to the community, as a justification of this outrage upon the feelings of the people, and upon the character of the nation. If time permitted me to go into a detailed history of this whole transaction, I would tear from these vain pretenders the “tattered mantle of hypocrisy” that has been interposed to cover them. *They* talk of the wounded honor of the country! How comes it, that this nice sense of national honor has just been roused? Where has it slept for two years past? In 1830, a copy of these very instructions, about which so much is said, together with the communications which passed between Mr. McLane and the British government, was submitted to both houses of congress—this very Senate then added its sanction to these instructions, by passing an act authorising the President to accept the “trade” and to open the ports, pursuant to the terms offered by the instructions, and in the manner in which they had been executed. Why did not these patriots *then* speak out? Why slumber upon this humiliating attempt, “to propitiate,” in the language of Mr. Clay, “the favor of the British King”? Where then was Mr. Webster’s sense of “duty”?—Why did he not then set upon these instructions, his “mark of disapprobation”? No, Sir, it is an after thought—disguise it as they will, they cannot give it credence. They did not then anticipate, that Mr. Van Buren would retire from the Department of State, and accept a mission to that court, where his fame had already preceded him.—They did not then anticipate the opportunity to wreck their vengeance on a man, whose only fault was, the possession of talents inferior to none, and the prospect of promotion superior to all. Regardless alike of private reputation, and of public interest, they have recalled a minister from a foreign court, whose character is above reproach, and whose life has been devoted to the public service—whose mission was one of the most delicate and responsible nature—and the interruption of which may eventually lead to the most embarrassing relations between the two governments. I mean *the right of search and the impressment of seamen*. This claim on the part of Great Britain was one of the causes of the late war. And although in that contest, the national honor was sustained both on the ocean and the land, yet this cause of difference was left unsettled by the negotiators at Ghent, and still remains an open question, either for amicable adjustment, or for future controversy. The President, desirous of establishing the most pacific relations with Great Britain, and of fixing the peace of this country on the firmest basis, selected Mr. Van Buren as the man, of all others, the best calculated to effect this grand object. No one possessed, in a more eminent degree, the qualifications for such a place. No one knew better how to broach so delicate a subject.—His negotiation, however, is broken off by an act of the most aggravated and wanton character, and the great and paramount interests of the nation put in jeopardy, to gratify the personal malice of political rivals.

Who, let me ask, are the leaders of this crusade against private reputation and public honor? They are men, differing on other subjects of the deepest interest to the country, and as wide asunder as the poles. On the other hand is Mr. Clay, maintaining doctrines in relation to the protection of domestic industry, wholly at war with the *nullifying* doctrines of Mr. Calhoun. And yet these men, themselves aspirants for the highest office in the gift of the people, are found uniting to destroy the private as well as political standing of one, whom they both hate

and fear. Whilst these gentlemen have thus leagued together to destroy a common rival, there is yet another party to the deed, of more sagacity than either, who intends by "one fell swoop" to destroy them all: I allude to a gentleman "from down east"—this "*second Daniel that has come to judgment*:" the advocate and apologist of the Hartford Convention: the violent opponent of the late war: and one of those who thought it "unbecoming a moral and religious people" to celebrate our victories. He too, is looking to the succession, after the expiration of the next Presidential term. How important to him then, that these rival candidates should be disposed of? By this act, he hoped to disgrace Van Buren, *use up* Clay, and *nullify* Calhoun. With regard to the two latter, he has been successful—but the disgrace intended for the former, has fallen on himself—and thus ends the most unprincipled combination ever known in the history of this government.

But, sir, this stab was not aimed at Mr. Van Buren alone. It was intended to reach the President himself, through one high in his confidence.—It was intended to embarrass and defeat one of the most important measures of his administration—a

measure, the success of which would have thrown for into the shade the temporising policy of his predecessor, and would have added a civic wreath to that brow, already crowned with military glory.—Nay, it did not stop here. It was a blow aimed at New-York. Yes, sir, at the "great state"—the "empire state"—an attempt to prostrate the democracy of the state, by prostrating her favorite son.—Let us then, as the representatives of that democracy, speak in a language not to be misunderstood.—Let the voice of New York be heard afar—let us rally all as one man—let all minor differences be hushed in one mighty effort to sustain her dignity, and vindicate her insulted honor—let her voice be heard from Maine to Louisiana: let it echo along the valley of the Mississippi and the Missouri. By this perversion of constitutional power, our dearest rights, nay, our very liberties are invaded. Let us then rally round the standard of democracy, and say with the brave Gustavus Vasa,

"Here will we take our stand!

"Here, on the brink, the very verge of liberty:

"Although contention rise upon the clouds,

"Mix heaven with earth, and roll the ruin onward,

"Here will we fix, and breast us to the shock."

## GREAT PUBLIC MEETING IN THE CITY OF ALBANY.

At the request of the Democratic Republican General Committee, together with the call of several of our most distinguished fellow-citizens, one of the largest and most respectable meetings ever before witnessed in this city, was held in the new City-Hall, on Saturday evening, the 4th Feb. inst.

The meeting was called to order by the Hon. NATHAN SANFORD, who nominated the venerable SIMEON DE WITT, Surveyor-General of this State, as chairman of the meeting. Anthony Blanchard, esq. nominated JOHN N. QUACKENBUSH and PETER WENDELL, as secretaries to the meeting.

SAMUEL CHEEVER, esq. briefly and pertinently explained the object of the meeting, and moved the appointment of a committee of seven, to prepare and offer suitable resolutions for the consideration of the meeting. Whereupon the chairman nominated the following committee:—Benjamin Knower, Isaac H. Bogart, Edward Livingston, Benj. Van Benthuisen, Barent P. Staafs, Samuel Cheever, Anthony Blanchard.

After a short period, the committee returned and reported, through Mr. Edward Livingston, the following resolutions:—

The Republican citizens of Albany, feeling themselves peculiarly called upon to express their sentiments in regard to the course taken by the majority of the Senate of the United States, upon the nomination of their fellow-citizen, MARTIN VAN BUREN, as Minister to the British Court—and having considered the same, do resolve as follows:

1. That we deem the rejection of that nomination, an act unjust to the individual concerned, injurious to the best interests of the country, and particularly insulting to the people of New-York.

2. That when we consider the persons by whom, and the manner in which that measure was accomplished, we cannot resist the conclusion, that it was instigated by a desire to gratify personal and political enmity; to wound the feelings of the President; to defeat the great objects of the mission to Great Britain; and to impair the influence of New-York in the councils of the nation.

3. That the reason assigned for this unprecedented step, to wit, that the instructions given by Mr. Van Buren, as Secretary of State, in relation to the West India trade, were derogatory to the honor of the nation,—is not, in the opinion of this meeting, well founded in point of fact, nor can we believe that it constituted the real motive of the measure referred to.

4. That after the full discussion had upon the acts and omissions of the late administration in respect to that trade, and in view of the decision made thereon by the American people, the Secretary of State was fully warranted in endeavoring to rescue the United States from the consequences of those acts and omissions, on the ground assumed by him in those instructions.

5. That in the judgment of this meeting, it is more dishonorable to persist in erroneous pretensions, than to retract them; and that the frankness which characterized the instructions referred to, was not only proper in itself, but eminently calculated to effect the important ends in reference to which they were framed, and which were ultimately secured upon terms honorable to both nations, and highly beneficial to ourselves.

6. That our confidence in the patriotism, integrity and talents of the statesman by whose instructions that result was principally produced, is undiminished; and that whilst we deeply lament the national degradation involved in the recent display of party rancor and personal hostility towards him, we confi-

dently rely on the intelligence and virtue of the American people, and especially of the people of New-York, for his defence and vindication.

*Resolved*, That copies of the foregoing resolutions be transmitted to the President of the United States and the Hon. Martin Van Buren, and that a committee of thirteen persons be appointed for that purpose.

After which, Adjutant Gen. DIX, JAMES KING, JAMES M'KOWN, Recorder of the city, BENJ. F. BUTLER and JOHN L. VIELE, addressed the meeting.

The resolutions were then adopted with acclamation and immense cheering.

John I. Burton, esq. then moved that a committee be appointed to transmit copies of the proceedings of this meeting to the President of the United States, and to the Hon. Martin Van Buren. Whereupon the chairman nominated the following committee, viz: Silas Wright, jr., Erastus Corning, Wm. Gould, Peter Gansevoort, James King, James Porter, James Campbell, jr. Samuel S. Fowler, Peter Seton Henry, Alexander Marvin, John I. Burton, Garret Gates, Albert Ryckman.

*Resolved*, That the proceedings of this meeting, with such sketches of the addresses as can be obtained, be published in the Albany Argus and in pamphlets.

*Resolved*, That these proceedings be signed by the chairman and secretaries.

SIMEON DE WITT, Ch'n.

JOHN N. QUACKENBUSH, } Sec'rys.  
PETER WENDELL, }

## REMARKS OF GEN. DIX.

Mr. Chairman: I am sure I do not mistake the feelings of this audience, when I say that the rejection of Mr. Van Buren by the Senate of the United States, as Minister Plenipotentiary to Great Britain, has excited among us a universal sentiment of indignation on account of the personal outrage visited upon that distinguished citizen, and of shame for the violated dignity of the country. Knowing as I do the deep sensibility which pervades all classes of citizens, excepting those whose prejudices or hostility are too powerful for their sense of justice, I should have been better satisfied if the responsibility of opening this meeting had fallen to other and abler hands.—Participating, however, as I do strongly, in the general sentiment, I did not feel at liberty to decline the task; and in undertaking it, I only hope that I may be followed by others who will supply what I may omit. Others, at least there are, who, from longer and more familiar intercourse with Mr. Van Buren, have a better claim than myself to bear testimony to the uprightness and purity of his private life. Of his public acts and character, no citizen of this state—no citizen of the United States—however remote from the theatre of his usefulness, can be ignorant. His services, those particularly which were rendered while he was Secretary of State, are emphatically the property of the country; and if it were in the power of his political adversaries to obliterate in the public mind, the sense of their value, it is too late, thank Heaven! to turn aside the rich current of benefits which has flowed from them. It will detract from the just claims of no individual to say that Mr. Van Buren was, in the late cabinet of gen. Jackson, his most able and influential adviser: to him are in no inconsiderable degree to be ascribed that wise, provident and successful policy in our negotiations with foreign countries, under which the country has risen, and is still continuing to rise in the scale of prosperity; and nothing but an overwhelming sense of his superiority, reflected from all sides in the testimonials of public opinion, could have arrayed against him a combination of political opponents, numbering as many creeds as men, differing with each other on almost every leading question of public policy, at war with each other in their personal relations—united in nothing but a common interest to overthrow a dangerous rival in the confidence of the people.

It is well known that this is the first instance in the history of the government, in which the nomination of a minister by the President has been rejected by the Senate, after entering on the duties of his office. The President is charged by the constitution with the management of our relations with foreign States; and it has always been deemed proper that he should, as the responsible person, have the selection of his agents. So novel and extraordinary was this case, that it was confidently expected by many that a removal of the injunction of secrecy would exhibit sufficient evidences of the necessity of making it an exception to the general rule. Sir, It has exhibited no such thing: it has disclosed nothing of which the public were not already apprised—nothing which has not already been pronounced upon by the judgment of the people. It is true, we are informed by private letters, that imputations derogatory to the moral character of Mr. Van Buren, were introduced into the Senate—imputations contradicted by the whole tenor of his life—imputations sustained by no proof—disreputable in their grossness to the individuals who gave countenance to them, and insulting, beyond measure insulting, to the body to which they were addressed. If they shall ever see the light, they will be indignantly resented by all parties, whatever may be their political predilections, as an outrage to justice and truth.

Sir, the only reason, either of a public or private nature, which is relied on as a justification for rejecting Mr. Van Buren, is the tenor of his instructions to Mr. McLane upon the negotiation of the latter with Great Britain, in relation to the West India Trade. For months this reason had been urged by the opponents of the administration as a cause for adopting that measure; and it had been shown, on our side, to be a ground of opposition not to be maintained. These instructions have been published, and in the hands of the people, more than twelve months; they have been approved by the public judgment: nay, sir, they have been virtually sanctioned by the senate itself, in the ratification of all the arrangements entered into by the two countries in pursuance of them; and it may be confidently asserted, that no imputation derogatory to the character of Mr. Van Buren, as a statesman, can be drawn from them, which is not susceptible of a triumphant

refutation. But as this is the sole ground of his rejection, it will be proper briefly to enquire into its merits.

There is, perhaps, no subject, which has excited more discussion during the last six years, than our negotiations with Great Britain on the subject of our commercial intercourse with her West India Colonies. The unexpected interdiction on the part of that power in the year 1826, of all direct communication with them, gave to the subject a degree of importance fully equal to the magnitude of the interests at stake. It was the constant aim of Mr. Adams and his political friends to make that interdiction appear as a measure of wanton and unprovoked hostility to the United States. He had been charged with the direction of that negotiation as secretary of state from the year 1817 to 1825; its failure was calculated to reflect discredit upon his talents as a statesman and diplomatist, and to involve in the same reproach the character of those who had sustained him and given countenance to his measures. The only complete defence for them was to set up the imputation of hostility on the part of Great Britain. There was much in a review of the previous relations of the two countries, which was calculated to produce unfriendly impressions with regard to the intentions of the other. On our side there was more cause for sensitiveness than on hers. We had been for years engaged in angry collisions with her, in every one of which she was the aggressor. We had finally appealed to arms, and obtained by force the redress which had been denied to reason and justice. In all this we had done what was becoming a spirited and determined people. The decision pronounced by us upon the immediate causes which led to an interruption of our intercourse with the British West India Colonies in 1826, after full consideration, was not less honorable to our justice and magnanimity, than our previous course had been to our resolution and firmness. A review of the history of her colonial regulations proved, that any imputation to her of hostility on this point was groundless. She had applied to us the same restrictions which she had applied to other countries. Indeed, the nature of the case was such as to repel such an imputation. In the regulation of their commercial intercourse, nations are guided by views, often narrow and mistaken, of their own interest; and in this case, if her colonial policy had been framed with a view to impair our interests, she could only have reached our prosperity through a deeper wound inflicted on her own. But it appeared that there had been, from the close of the revolutionary war, a gradual course of relaxation of the rules, which had governed our commercial intercourse with her colonies. At the close of that contest, when our separation from the dominion of Great Britain was rendered complete by a formal acknowledgement of our independence, her attention was immediately directed to the regulation of the intercourse between her former colonies thus separated from her, and those which still acknowledged her sovereignty. In effecting this object, the established principles of her colonial system were enforced against us as they were against other nations. Accordingly the enactments of the British parliament resulted in the following restrictions: Certain enumerated articles, the productions of the United States, were allowed to be imported into the British West India Islands in British bottoms. The United States could not carry their own produce to those islands. Even the enumerated articles allowed to be imported in her own bottoms, were specified by proclamations, which were limited in their

duration to a single year. The proclamation, as a measure was not obligatory on the British King. It was discretionary with him to renew or withhold it. The law only empowered, but did not require, him to issue it. The effect of this system was to subject our intercourse with those colonies, to the discretion of the King. The system had not even the security of a legislative act, of which the operation could only be varied by a concurrence of the three branches of the British legislature.

The first relaxation of this system was by the act of 28, Geo. III. ch. 6, by virtue of which the conditions of our intercourse with the British W. I. islands, previously announced by annual proclamations, were engrafted into a standing law. Circuitous intercourse between us and those islands was not affected by this statute, but remained subject to the same restrictions. The effect of this change was to give permanence to a system, which was liable to be varied or annulled at the discretion of an individual. It was, however, deemed at the time a material point by us; and the previous insecurity of the system was a subject of communication between the legislative and executive branches of our government subsequently to the enactment by the British Parliament of the law, which gave it a more fixed and settled foundation. [See Report of the Secretary of State of 16 Dec. 1793, and a similar report of the 30th of the same month.] Time will not allow me to enter in detail into the whole history of that intercourse: but it will appear that negotiation was generally declined by Great Britain, and successive relaxations temporary and permanent, were introduced on her part, and met on ours, by reciprocal legislation of the parties; that the refusal of Messrs. Adams and Clay to accept highly advantageous terms, under the expectation of obtaining (in what manner will be seen) others still more so, forced the British Government into the position referred to.— It will appear also that a new principle (at all events a principle never before avowed) governed our policy on that question while it was under the management of Messrs. Clay and Adams.

It is a remarkable circumstance, that on the 9th Feb. 1818 the committee of Foreign Relations in the House of Representatives (the first Congress after the organization of Mr. Monroe's Cabinet) reported in favor of additional restrictions upon the colonial intercourse of Great Britain with us; and, in assigning the grounds of their recommendation, they referred to a document marked F. which had been furnished to them by Mr. Adams as Secretary of State. Mr. Adams also referred to it himself in a letter to Mr. Rush, dated 23d June 1823, while the latter was minister to Great Britain, and distinctly pointed his attention to it as a guide. The position assumed by that paper and sought to be maintained by a long and elaborate argument is contained in the following query: "Can Great Britain support her West India Colonies in comfort, or even in safety, without supplies from the United States?"—to which it is confidently answered, and the grounds of the opinion assigned, that "she cannot;" and the conclusion is very legitimately drawn that we could prescribe our own terms with her. This position affords a clue to the whole course of policy pursued by Mr. Adams and Mr. Clay on that subject. Believing that those colonies were dependent on an intercourse with us, they were willing to gain credit for ability as statesmen and negotiators by availing themselves of the necessities of Great Britain, and insisting on advantages which they should have seen could never be obtained. As soon as the policy, of which that paper was the

was understood, it became the subject of an animated discussion in the British Parliament.

Mr. Huskisson on the floor of the house of commons in the year 1825, said he was persuaded an impression existed on our part that Great Britain had yielded that intercourse to necessity, and that, as her colonies could not subsist without it, we might prescribe the conditions under which it should be carried on; and he concluded by recommending counteracting measures. This was the language of the man, who of all others in Great Britain had most ardently and ably advocated a relaxation of her colonial restrictions, who was reproached by the monopolists with the design of overthrowing the established order of things, and of setting up a system of entire freedom in commerce. When the most liberal, if not the most enlightened statesman in Great Britain spoke in language so unequivocal, it is not surprising that the act of interdiction referred to, was resorted to during the following year. That Mr. Clay was a party to the course of policy which that measure was designed to counteract, is apparent from the fact that he was a member of Mr. Adams' cabinet for more than a year while it was steadily persisted in, and that he had uniformly sustained it on the floor of Congress.

Such was the character of the policy, by means of which these giants in diplomacy proposed, not to gain by reasoning and argument, but to coerce a power on friendly terms with us, to concede what could only be obtained on the ground of her necessities. That the grounds on which they had placed their demands were in their own estimation untenable, is apparent from the fact that Mr. Gallatin was sent out in the year 1826 with instructions to abandon them and to accede to certain propositions made by the British government in the year 1824—the most favorable ever offered for our acceptance—but declined until that time, either from a culpable neglect of the public interests, or, what is more probable, an expectation of obtaining greater advantages. It is not to be doubted that this change of policy was the result of a conviction on their part, at which they had however arrived too late, that the position assumed in document F could not be maintained, and that if they would not agree to share with Great Britain the trade with her West India colonies on reasonable terms, she would find means to dispense altogether with our direct agency in supplying them. If the position were founded in reason and justice, it ought not to have been abandoned; if it had not such a foundation, then had Messrs. Clay and Adams been insisting for years on concessions which could not be obtained, and which we ought not to have demanded. Mr. Clay says in his apology to the senate for his vote against Mr. Van Buren, that we had, during two administrations previous to that of Mr. Adams, preferred the same claims. The difference between his statement and the fact is, that we had previously to Mr. Monroe's administration sought as a privilege (aye, sir, as a *privilege*—the term runs through the whole history of our negotiations on the subject) what Messrs. Clay and Adams had demanded as a right. The instructions addressed to previous negotiators were to obtain if they could the privilege of introducing our staples into the British West India markets, on the same terms as similar productions of the British colonies—those framed under the direction of Mr. Adams and Mr. Clay, to insist on it as a "*sine qua non*" of a definitive arrangement.

The negotiations of the British commissioners consisted of five articles, the 1st of which provided that the trade with the open ports of their West India

and North American colonies, should be continued; that all discriminating charges and duties reciprocally imposed and levied on the vessels of each nation and their cargoes in the ports of the other should be abolished; that upon our vessels and upon the goods lawfully imported in them, no other or higher duties of tonnage or impost should be exacted, than upon British vessels and goods imported into those ports from any foreign port whatever. The 2nd article provided that each party should remove, as soon as possible, all additional duties of tonnage in the light of foreign tonnage duty, and all additional duties of impost in the light of duties on goods imported in foreign vessels, and all other discriminating duties and charges. The 3rd article provided, that in case the proposed agreements should be found to operate unequally, either should, on representation of the other, examine the matter of complaint, and if found to be just, should take such measures to redress the grievance as to secure the condition of reciprocity contemplated by the parties. The 4th article guaranteed the extension of any further privileges, which might be granted to any friendly state, either in Europe or America, so as to place the party upon the footing of the most favored state. The 5th article provided for the appointment of consuls, &c.—This proposal, besides holding out the prospect of further facilities, conceded every thing we asked except the right reserved to herself of regulating her trade between her colonies and herself, and between one of her colonies and another. The object of this reservation, as avowed by Great Britain, was to enable her to protect the staples of her own subjects by levying impost duties on like productions of a foreign country. To surrender this right would have excluded the productions of her North American colonies from her West India Islands. By comparing the facilities above offered for our acceptance, with the condition of our intercourse with the British West Indies for several years after the close of the revolutionary war, and even after the passage of the act of 28. Geo. III. ch. 6, it will be perceived at a glance that the colonial system had been exceedingly relaxed, if it was not even in a gradual course of abandonment. I pass over altogether the act of Parliament of 1825, offering certain conditions in case of their acceptance, to all countries; as Mr. Clay says we never received any official notice of it—and place the mismanagement of Messrs. Adams and Clay on the grounds above stated.

The propositions referred to were received a short time before they took into their hands the affairs of government, but they were not acted on until 1826. Mr. Rufus King was sent out to Great Britain in 1825 with full instructions on other subjects, but without any on this, the most important of all. (See Mr. Clay's letter to Mr. Gallatin, 19th June, 1826.) It was not, in fact, until the day, on which this letter bears date, that any definitive measures were adopted on this subject. On that day Mr. Gallatin was despatched with instructions to waive the demand, all along made by his employers, of the admission of our productions into the British West India ports on the same terms as similar productions of her North American colonies, and to accede substantially to the propositions of the British plenipotentiaries, over which they had been dozing nearly two years. Before the arrival of Mr. Gallatin in England, an order in council was issued, bearing date the 27th July, 1826, by which all intercourse between us and the British West India islands was interdicted, and that government utterly refused to negotiate further with the administration of Mr. Adams on the subject. The whole course of this negotiation was ex-

ceedingly discreditable to those who had conducted it. It was, to say the least, an act of the most palpable impolicy to urge pretensions, the justice of which was at all questionable, at a moment when Great Britain, by meeting us on the long avoided ground of negotiation, and by materially relaxing her restrictions, had given evidences of more liberal views in relation to the colonial trade.

The attempt made on the floor of the senate to divert from Messrs. Adams and Clay the responsibility of adhering for years to a course of measures, which they subsequently abandoned, by making it appear as a part of the settled policy of the country, is as fruitless as every other attempt which has been made to defend the united mismanagement of those individuals. It was part of the settled policy of the country only from the time that they successively obtained a controlling influence in the public councils. And it certainly reports as ill of the shrewdness as of the equity of the opposition, to hold Mr. Van Buren responsible for his acts as secretary of state, and to insist on the release of Messrs. Adams and Clay for their acts in the same official capacity. If the ground of defence assumed in behalf of those gentlemen be tenable, then is the rejection of Mr. Van Buren an act of the most palpable injustice.

Under the circumstances above referred to, gen. Jackson became President of the United States; and the question immediately arose as to the manner, in which this long contested subject should be disposed of. It had been conceded by the party, which elevated gen. Jackson to power—in other words, by an overwhelming majority of the people of the United States—that the demands of the previous administration ought not to be insisted on.—The language of Mr. Webster, though not altogether unequivocal, is understood as admitting that this subject had been passed on by the public judgment. Any other supposition would be altogether erroneous in point of fact, by assuming that it had not been generally discussed, and equally false in theory, by the implication that it was a subject too abstruse for the popular understanding. Those, who are in the habit of mingling with the people, will feel the futility of any attempt to make it appear as a matter not examined and passed upon by them. There is no exaggeration in saying that it was a topic of discussion in every state in the Union, in nine tenths of the public journals, and at the places of election in 1828, that the people took a more enlightened view of the errors of the previous administration on that question, than those who administered the government had taken of the interests and policy of the country; and that it was one of the leading causes of the result of the election. The change of men, and the expected change of measures, were as well understood abroad as they were at home: and it was well known that the causes of irritation on the part of Great Britain were intimately connected with men as well as measures. The only question was, therefore, in what manner negotiation should be resumed. Should we, in case the necessity for it should arise, distinctly disavow the acts of the previous administration; or should gen. Jackson, in behalf of the American people, wrap himself up in the mantle of diplomacy, and by a formal hypocrisy, worthy only of those who defend it, leave any room by his silence to call in question our sentiments on the subject. The frank and manly course was adopted; it has been sanctioned, and it will be sustained, by the people of the United States. The embarrassments between the two countries were the fruit of a mismanaged and blustering diplomacy on the part of two individuals, who had been indignantly spurned by

the people from the public trusts which had been confided to them; and it was due to ourselves to cast back the opprobrium upon the source from which it came. As little was said by Mr. Van Buren in his letter of instruction as should have been said. Mr. McLane was authorised, in case it should become necessary, to refer to the respective parts taken by the present and the preceding administrations on that question. The passages in the letter of instructions, upon which the strongest objections are founded, are those which contain the intimation that the acts of the preceding administration had been passed upon by the American people; that their pretensions were not revived by their successors; and that *if those acts and pretensions should be set up by the British government as a bar to the adjustment of existing difficulties*, it would become the duty of Mr. McLane to obviate, as far as possible, by a frank exhibition of the whole ground, the unfavorable impression produced. It was due to the character of the American people that this course should be adopted; that pretensions already disavowed by the people in the judgment pronounced upon the administration of Mr. Adams, should if necessary, be distinctly disavowed in behalf of those, whose leading maxim is to ask nothing which is not right, and to submit to nothing which is wrong. A different course would have been a virtual endorsement of errors and abuses, which gen. Jackson was elected to correct and reform. The frankness and plain dealing of gen. Jackson in all his public acts are in harmony with his own character, with the character of the people of the United States, and with the genius of our political institutions. It has secured from foreign states all that we have asked; and it has elevated us in the eyes of the world, by exhibiting the example of a great nation introducing into her discussions with foreign states the same freedom, and acting upon the same maxims, which should characterize and guide the conduct of honorable individuals in their personal relations with each other.

It is worthy of remark that the main position assumed by the opponents of the administration is, that Mr. Van Buren had disgraced the nation by opening to the British government the spectacle of our party dissensions. Ought not these gentlemen, in their solicitude for the consequences apprehended from sentiments contained in a private letter of instructions, to have reflected upon the consequences of the public act, by which they proposed to redress the injury—condemning, in the face of the whole world an important appointment by the President, exhibiting the two highest branches of the government arrayed against each other, and opening a scene unparalleled in our history? If it was incumbent on them to redress the evil of which they complained, it was equally incumbent on them to resort to a corrective, which should not be pointed with a moral far more degrading to us as a nation than that which it was intended to counteract.

The idea presented by Messrs. Webster and Clay, that Gen. Jackson has, through Mr. Van Buren's instructions, humbled himself at the foot of the British throne, is, to say the least, but a sorry compliment to the intelligence of the American people.—It was, perhaps, not to be expected that gentlemen accustomed to rely, for the accomplishment of results, upon a skilful use of the weapons of diplomacy, should be capable of doing justice to an honorable frankness which disdains to employ them.—But that Gen. Jackson, erect as he stands before the nation and the world, with all his historical associations about him, in an attitude of dignity which only one man before him has been able to assume—that

such a man should involve his country's reputation or his own, by casting off the miserable guises of diplomacy, is drawing rather too presumptuously even upon the credulity of their own followers.

The sole ground assigned by the opposition in the senate, for rejecting the nomination of Mr. Van Buren, is, that he was the author of the instructions to Mr. McLane: And this is a ground which, under our government, cannot be maintained. With us the President is responsible for all measures emanating from members of his cabinet, especially those connected with our negotiations with foreign states. Conceding, for the sake of argument, that Mr. Van Buren is solely responsible for these instructions, his defence might safely be rested upon the grounds already assigned. But assuming the true state of the case, which is, that he has been held responsible as an organ of communication with the British Government, and admitting the sentiments contained in his instructions to be, as the opposition contend, disreputable to the character of the country, then is the distinguished individual at the head of the treasury department—placed there by the vote of the same men who have rejected Mr. Van Buren—equally culpable as an immediate organ of communication with that government. If he who lends himself to the communication of disreputable sentiments, is as worthy of condemnation as he who originally utters them, Mr. McLane should, upon every principle of equal justice, have been included in the sentence of condemnation pronounced upon Mr. Van Buren. That any distinction was taken between them, is to be traced to the different relations under which they stand to the authors of Mr. Van Buren's rejection.

That hostility to Gen. Jackson had an important agency in producing this result, is not to be doubted. The sentiments intended to be condemned by Mr. Van Buren's rejection, are presumed to be the sentiments of the President himself. The nature of our government admits of no other supposition. He is responsible, and alone responsible, for the acts of his administration: and it was doubtless foreseen by those who plotted Mr. Van Buren's rejection, that the ground on which it was put involved alike the character of both. Can any one doubt that it was intended to reach, and if possible to impair, the high standing of the President with the people, by arraying against him a majority of the Senate, on the eve of his re-election? That this is not an uncharitable inference is manifest from the fact, that some of the principal characters of the drama are those who have, through all vicissitudes, pursued him with the most unrelenting bitterness—assailing his public and private character with the foulest aspersions;—and whose followers have even penetrated, in the malignity of their passions, to the very sanctuary of his domestic peace. They have fomented dissensions in his cabinet, embarrassed his administration by thwarting his measures, and they have finally crowned their hostility by an open denunciation of one of his most able, pure and confidential advisers. There is not in the history of the country so flagrant an instance of injustice and persecution; and so it

will be pronounced by all disinterested men. It rests upon no ground of public expediency; it is defended by no consideration of duty or even of policy; it does not accomplish the poor purpose of its authors, of bringing down to their own level an individual far above them in all the attributes of public and private virtue.

The most conspicuous actors in this transaction, are those whose sense of honor should have counselled them to take no part in it. The presiding officer of the Senate, and his new coadjutor from the West—he who had failed successfully to impeach the two individuals affected by his vote before the tribunal of the country, and he whose failures as a statesman and diplomatist, had been redeemed by the superior powers of his successor,—stand in the foreground of the coalition. Into this singular alliance, a new and equally unnatural auxiliary has entered. Who could have supposed that he, who has been denominated (how appropriately let his course on this question testify) “the god-like man,” should abandon himself to the dominion of the terrestrial attributes of his character, by becoming a party to so inglorious an enterprise. Mr. Webster, the opponent of Mr. Van Buren, too, from elevated considerations of duty and a tender sensibility to the public honor! Where, if we may presume to enquire, were these elevated considerations and this tender sensibility at a time, when the very safety of the country was in imminent peril? Let the history of the country furnish the reply! The gentleman might have been seen declaiming on the floor of Congress against the justice of the war, resisting the appropriation of money and men to sustain it, and presenting an example of insensibility, the more powerful from his acknowledged talents, to all those elevated considerations of public duty, to which he is now so “tremblingly alive.” Nay, sir, so strong were his convictions, that he was anxious to transmit to his children his hostility to the war, as the most valuable legacy which he could leave them; while his political friends in New England, possibly under the inspiration of his eloquence, were burning “blue lights” along the coast to conduct the forces of the public enemy into the bosom of their country.\* When such men put on the garb of public virtue, and become delicate of the public honor, there is surely no injustice in testing their sincerity by the standard of their past lives.

Sir, I will no longer occupy the attention of this meeting. I feel that I have already too long occupied it, although much remains to be said. I am persuaded that I do not overrate the justice of the American people, when I say that there is no refuge for the authors of this blot upon the national character; and that time will record their indelible disgrace. They will stand before the world, not merely in the light of men who have brought dishonor upon the character of the country, but in the still more odious light of political adversaries, who, in ministering to the purposes of injustice and persecution, have accomplished a double object of personal revenge.

\* “*Quid domini faciant, audent quum talia feres!*”

## REMARKS OF MR. WEBSTER,

In the U. S. Senate, on the nomination of Mr. Van Buren.

Mr. President: as it is highly probable that our proceedings on this nomination will be published, I deem it proper to state shortly the considerations which influenced my opinion, and will decide my vote.

I regard this as a very important and delicate question. It is full of responsibility; and I feel the whole force of all that responsibility. While I have been in the Senate, I have opposed no nomination of the President except for cause; and I have at all times thought that such cause should be plain, and sufficient; that it should be real and substantial, not unfounded or fanciful.

I have never desired, and do not now desire, to encroach, in the slightest degree, on the constitutional powers of the Chief Magistrate of the nation. I have heretofore gone far, very far, in assenting to nominations which have been submitted to us. I voted for the appointment of all the gentlemen who composed the first Cabinet; I have opposed no nomination of a foreign minister; and I have not opposed the nominations recently before us, for the re-organization of the administration. I have always been especially anxious, that in all matters relating to our intercourse with other nations, the utmost harmony, the greatest unity of purpose, should exist between the President and the Senate. I know how much of usefulness such harmony and union are calculated to produce.

I am now fully aware, sir, that it is a serious, a very serious matter, to vote against the confirmation of a Minister to a foreign court who has already gone abroad, and has been received, and accredited, by the government to which he is sent. I am aware that the rejection of this nomination, and the necessary recall of the Minister, will be regarded by foreign states, at the first blush, as not in the highest degree favorable to the character of our government. I know, moreover, to what injurious reflections one may subject himself, especially in times of party excitement, by giving a negative vote, on such a nomination. But after all, I am placed here to discharge a duty. I am not to go through a formality; I am to perform a substantial and responsible duty. I am to advise the President in matters of appointment. This is my constitutional obligation; and I shall perform it conscientiously and fearlessly. I am bound to say, then, sir, that for one, I do not advise nor consent to this nomination. I do not think it a fit and proper nomination; and my reasons are found in the letter of instruction, written by Mr. Van Buren, on the 20th of July, 1829, to Mr. McLane, then going to the court of England, as American Minister. I think these instructions derogatory, in a high degree, to the character and honor of the country. I think they show a manifest disposition, in the writer of them, to establish a distinction between his Country and his Party; to place that party above the country; to make interest, at a foreign court, for that party, rather than for the country; to persuade the English Ministry and the English Monarch, that they had an interest in maintaining, in the United States, the ascendancy of the party to which the writer belonged. Thinking thus of the purpose and object of these instructions, I cannot be of opinion that their author is a proper representative of the United States at that court. Therefore, it is, that I propose to vote against his nomination. It is the

first time, I believe, in modern diplomacy, it is certainly the first time in our history, in which a minister to a foreign court has sought to make favor for one party at home, against another; or has stooped, from being the representative of the whole country, to be the representative of a party. And as this is the first instance in our history of any such transaction, so I intend to do all in my power to make it the last. For one, I set my mark of disapprobation upon it; I contribute my voice and my vote, to make it a negative example, to be shunned and avoided by all future ministers of the U. States. If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister, and repeated, once and again, to urge these mere party considerations on the foreign government, to what extent, is it probable, the writer himself will be disposed to urge them, in his one thousand opportunities of informal intercourse with the agents of that Government?

I propose, sir, to refer to some particular parts of these instructions; but before I do that, allow me to state, very generally, the posture of that subject, to which those particulars relate. That subject was the state of our trade with the British West India Colonies. I do not deem it necessary now to go minutely into all the history of that trade. The occasion does not call for it. All know, that by the Convention of 1815, a reciprocity of intercourse was established between us and Great Britain. The ships of both countries were allowed to pass, to and from each other respectively, with the same cargoes, and subject to the same duties. But this arrangement did not extend to the British West Indies. There, our intercourse was cut off. Various discriminating and retaliatory acts were passed, by England and by the United States. Eventually, in the summer of 1825, the English Parliament passed an act, offering reciprocity, *so far as the mere carrying trade was concerned*, to all nations, who might choose, within one year, to accept that offer.

Mr. Adams's administration did not accept that offer; first, because it was never officially communicated to it; secondly, because, only a few months before, a negotiation on the very same subject had been suspended, with an understanding that it might be resumed; and thirdly, because it was very desirable to arrange the whole matter, if possible, by Treaty, in order to secure, if we could, *the admission of our products into the British Islands for consumption*, as well as the admission of our vessels. This object had been earnestly pursued ever since the peace of 1815. It was insisted on, as every body knows, through the whole of Mr. Monroe's administration. He would not treat at all, without treating of this object. He thought the existing state of things better than any arrangement, which, while it admitted our vessels into West India Ports, still left our productions subject to such duties there, that they could not be carried.

Now, sir, Mr. Adams's administration was not the first to take this ground. It only occupied the same position which its predecessor had taken. It saw no important objects to be gained by changing the state of things, unless that change was to admit our products into the British West Indies, directly from our ports, and not burdened with excessive duties. The direct trade, by English enactments and

American enactments, had become closed. No British ship came here from the British West Indies. No American ship went from us to those places.—A circuitous trade took place, through the Islands of third Powers; and that circuitous trade was, in many respects, not disadvantageous to us.

In this state of things, sir, Mr. McLane was sent to England; and he received his instructions from the Secretary of State: In these instructions, and in relation to this subject of the Colonial Trade, are found the sentiments of which I complain. What are they? Let us examine, and see.

Mr. Van Buren tells Mr. McLane, “the opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade.”

Now, this is neither more nor less than saying, “you will be able to tell the British minister, whenever you think proper, that you, and I, and the leading persons in this administration, have opposed the course heretofore pursued by the government and the country, on the subject of the colonial trade. Be sure to let him know, that, on that subject, *we* have held with *England*, and *not* with *our own government*.” Now I ask you, sir, if this be dignified diplomacy? Is this statesmanship? Is it patriotism, or is it mere party? Is it a proof of a high regard to the honor and renown of the whole country, or is it evidence of a disposition to make a merit of belonging to one of its political divisions?

The secretary proceeds: “Their views (that is, the views of the present administration) upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts.”

Now, sir, in the first place, there is very little reason to suppose that the *first* part of this paragraph is true, in point of fact. I mean that part which intimates that the change of administration was bro’t about by public disapprobation of Mr. Adams’ conduct, respecting the subject of the colonial trade.—Possibly, so much was then said, on a subject which so few understood, some degree of impression may have been produced by it. But be assured, sir, another cause will be found, by future historians, for this change; and that cause will be the popularity of a successful soldier, united with a feeling, made to be considerably extensive, that the preferences of the people in his behalf had not been justly regarded, on a previous occasion. There is, sir, very little ground to say that “the only tribunal to which the late administration was amenable” has pronounced any judgment against it for its conduct on the whole subject of the colonial trade.

But however this may be, the other assertion in the paragraph is manifestly quite wide of the facts. Mr. Adams’ administration did not bring forward this claim. I have stated already that it had been a subject, both of negotiation and legislation, through the whole eight years of Mr. Monroe’s administration. This the Secretary knew, or was bound to know. Why then does he speak of it as set up by the late administration, and afterwards abandoned by them, and not now revived?

But the most humiliating part of the whole follows:—“To set up the acts of the late administration, as the cause of forfeiture of privileges, which

would otherwise be extended to the people of the U. S. would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility.”

So, then, Mr. President, we are reduced, are we, to the poor condition, that we see a minister of this great republic instructed to argue or to intercede with the British minister, lest he should find us to *have forfeited our privileges; and lest these privileges should no longer be extended to us!* And we have forfeited those privileges, by our misbehavior, in choosing rulers who thought better of our own claim than of the British! Why, sir, this is patiently submitting to the domineering tone of the British minister, I believe Mr. Huskisson—[Mr. Clay said, “No, Mr. Canning.”]—Mr. Canning, then, sir, who told us that all our trade with the West Indies was a *boon*, granted to us by the indulgence of England. The British minister calls it a *boon*, and our minister admits it is a *privilege*, and hopes that his Royal Majesty will be too gracious to decide that we have forfeited this privilege, by our misbehavior in the choice of our rulers! Sir, for one, I reject all idea of holding any right of trade, or any other rights, *as a privilege or a boon*, from the British government, or any other government.

At the conclusion of the paragraph, the Secretary says: “You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion.”

And, adverting again to the same subject towards the close of the despatch, he says, “I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this government, to have an adverse influence upon the present conduct of Great Britain.”

I ask again, Mr. President, if this be statesmanship? if this be dignity? if this be elevated regard for country? Can any man read this whole despatch, with candor, and not admit that it is plainly and manifestly the writer’s object to gain credit with the British ministry for the present administration, at the expense of the past?

Lest I should do the Secretary injustice, I will read all that I find, in this letter, upon this obnoxious point. These are the paragraphs:

“Such is the present state of our commercial relations with the British colonies; and such the steps by which we have arrived at it. In reviewing the events which have preceded, and more or less contributed to, a result so much to be regretted, there will be found three grounds upon which we are most assailable; 1st, in our too long and too tenaciously resisting the right of Great Britain to impose protecting duties in her colonies;” 2d, &c.

“The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade.—Their views upon that point have been submitted to the people of the United States; and the counsels by which your conduct is now directed are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and

are not revived by their successors. If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July, 1825. You cannot press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion."

"I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this government to have an adverse influence upon the present conduct of Great Britain."

Sir, I submit to you, and to the candor of all just men, if I am not right in saying, that the pervading topic, throughout the whole is, not American rights, not American interests, not American defence, but denunciation of past *pretensions* of our own country, reflections on the past administration, and exultation, and a loud claim of merit, for the administra-

tion now in power. Sir, I would forgive mistakes; I would pardon the want of information; I would pardon almost any thing, where I saw true patriotism and sound American feeling; but I cannot forgive the sacrifice of this feeling to mere Party. I cannot concur in sending abroad a public agent who has not conceptions so large and liberal, as to feel, that in the presence of foreign Courts, amidst the monarchies of Europe, he is to stand up for his country, and his whole country; that no jot nor tittle of her honor is to come to harm in his hands; that he is not to suffer others to reproach either his Government or his Country, and far less is he himself to reproach either; that he is to have no objects in his eye but American objects, and no heart in his bosom but an American heart; and that he is to forget self, to forget party, to forget every sinister and narrow feeling, in his proud and lofty attachment to the Republic, whose commission he bears.

Mr. President, I have discharged an exceedingly unpleasant duty, the most unpleasant of my life.—But I have looked upon it *as a duty*, and it was not to be shunned. And, sir, however unimportant may be the opinion of so humble an individual as myself, I now only wish that I might be heard by every independent freeman in the United States, by the British Minister, and the British King, and by every Minister and every crowned head in Europe, while standing here in my place, I pronounce my rebuke, as solemnly and as decisively as I can, upon this first instance, in which an American Minister has been sent abroad, as the representative of his Party, and not as the representative of his Country.

## REMARKS OF MR. BUTLER,

At the meeting of the Republican Citizens of Albany, held on Saturday evening, Feb. 4, in relation to the rejection of the nomination of Martin Van Buren.

MR. CHAIRMAN,

The gentlemen who have already addressed you, have told you who, and what, the minister is, whose nomination has been rejected by the Senate—they have exposed the motives which led to this violent and unwarrantable measure—and they have pointed out the injurious consequences which cannot fail to result from it.

There is a single point connected with these topics, which has not yet been adverted to, and which is too important to be omitted. I refer to the objects of the mission which has now been broken up, and to the leading motive which induced the President to offer, and the late incumbent to accept it. Having been honored by the latter with that confidence which enables me to speak upon the subject, and the circumstances of the times making it highly proper that I should do so, I beg leave to state, that the mission of Mr. Van Buren had special reference to those doctrines and practices of the British Government concerning impressments, blockades, and trade with enemies' countries, which, as you well recollect, constituted, for a long series of years, a standing cause of complaint on our part, and at length produced our second war of independence. In the treaty of Ghent, by which that war was concluded, not a word was said as to these interesting topics. But though unnoticed in that instrument, the claims we had asserted, were successfully maintained by the thunder

of our cannon, on the ocean and the lakes, at Niagara and New-Orleans; and the practices against which it was levelled, were actually given up. Apprehensive, however, that they might be renewed, whenever a war should break out between Great Britain and any other maritime power; and fully aware of the consequences which would inevitably follow such renewal; our Government made an unsuccessful attempt, immediately after the peace, to preclude the occurrence of such a state of things, by an amicable settlement of the disputed points. The matter has frequently been referred to since; but the various questions which have arisen under the treaty of Ghent, and above all, the difficulties which have grown out of the controversy concerning the colonial trade, have prevented, for several years, any attempt to negotiate on these subjects. On the conclusion of the recent arrangement concerning that trade, they justly engaged the first thoughts of the President. The changes which, about the same time, occurred in the government and domestic policy of Great Britain, and the favorable opinions evidently growing up in that country, towards our people and political institutions, seemed also to render it a propitious moment for renewing the negotiation; whilst the interesting and critical state of Europe, which, at that juncture, threatened a general war, obviously required that it should be done without delay. Mr. M'Lane, however, had already asked and

received leave to return to the United States; and Mr. Van Buren having resolved to retire from the State Department, it occurred to the President that he was eminently fitted to undertake this delicate and most important negotiation. His wishes on this subject were expressed in the strongest terms, and they were appreciated by Mr. Van Buren. A desire to carry them into effect, was one of the strongest motives which induced him to accept the nomination; though he did so in opposition to the wishes and advice of his political and personal friends in this State, who, as you well know, were generally averse to his going out of the country. He was not unmindful of the sincerity, nor regardless of the value of their opinions; but he thought—and justly thought—that the errand on which he was to be sent to the British Court, was one of mighty import, not only to the people of both countries, but to the whole civilized world. He believed too—and if his course was prompted by this belief, you will not deny that the ambition it implies was a noble one—that the minister who should succeed in bringing about an honorable settlement of these long litigated and dangerous questions, would eminently deserve, and undoubtedly receive, the highest approbation of his countrymen.

The leading object of this embassy was alluded to in the President's message at the opening of the present session. It was perfectly understood at Washington; and from the distinguished manner in which our minister had been received and treated, by the British king and the members of his government, as well as from his practical talents and conciliatory manners, there was great reason to hope that his efforts would be successful. Was Mr. Clay afraid that such a result would be produced? That a treaty would be concluded, which would cast into the shade that negotiated at Ghent? Mr. Calhoun too—did he think that a rival, already formidable, might be rendered more so by the *clat* of services abroad? And Mr. Webster—was the *duty*—the solemn but most *unpleasant* duty—of rejecting this nomination, strengthened by a desire to nip in the bud the honors due to a successful negotiator? In view of all the features of this case, let an intelligent public decide, whether there be not good reason for these inquiries.

But however this may be, one thing is certain—the great objects of the embassy are not to be promoted by the course taken in the Senate. On the contrary, all the interests of the nation will receive detriment abroad. How extensive and lasting it may be, none of us can tell. Still, there may be good cause for rejecting this nomination; and if so, it may have been better to risk the evils referred to, than to have confirmed it. The decision of the Senate professes to have been made on this ground; and the reasons assigned for it, have been submitted, with admirable despatch, to the judgment of the people. I have read, with deep interest, all the speeches which have reached us; and I have compared their statements and reasoning, with the official documents, which, fortunately for the cause of truth, are to be found in other parts of the Union as well as at Washington. In my humble judgment, the causes they assign are not sustained in any one of them. To test this, let me call your attention—not to the idle gossip nor the dastardly insinuations which malevolence or credulity have dragged before the Senate—but to the measured speech of Mr. Webster—the profoundly able, the cool and discriminating Webster. And surely if there be good reasons for this step, he, of all others, is capable of placing them before us in the clearest and most

convincing light. His remarks, as published in the National Intelligencer, have evidently been corrected by himself. I shall consider them in this light, and shall hold him responsible, as you and the public have a right to hold him, for all that they contain. I intend to read to you every material paragraph; and as I proceed, I pledge myself to show, that he has misstated the facts he has undertaken to give; that he has omitted others which were essential to a proper judgment on the case before him; and that he has repeatedly garbled and perverted the language of Mr. Van Buren. I say this under a full sense of the responsibility I assume. I know what I shall deserve, if I do not make it good. All I desire is, a patient hearing from you and from the public. In connexion with this exposure of error and injustice, I shall also undertake to show, that the instructions to Mr. McLane, when properly understood, contain nothing derogatory to the honor of the nation, but on the contrary, are entitled to all praise for their ability and frankness.

After an introduction, which shows that he is perfectly aware of the light in which the measure, if taken without sufficient cause, would be viewed, and ought to be viewed, both at home and abroad; the distinguished Senator from Massachusetts, proceeds to assign the reasons of his vote. To do him perfect justice, I quote the paragraph at length:

"I am bound to say, then, sir, that for one, I do not advise nor consent to this nomination. I do not think it a fit and proper nomination; and my reasons are found in the letter of instruction, written by Mr. Van Buren, on the 20th of July 1829, to Mr. McLane, then going to the court of England, as American minister. I think those instructions derogatory, in a high degree, to the character and honor of the country. I think they show a manifest disposition, in the writer of them, to establish a distinction between the country and the party; to place that party above the country; to make interest, at a foreign court, for that party, rather than for the country; to persuade the English ministry and the English monarch, that *they* had an interest in maintaining, in the U. States, the ascendancy of the party to which the writer belonged. Thinking thus of the purpose and object of those instructions, I cannot be of opinion that their author is a proper representative of the United States at that court. Therefore it is, that I propose to vote against his nomination. It is the first time, I believe, in modern diplomacy, it is certainly the first time in our history, in which a minister to a foreign court has sought to make favor for one party at home, against another; or has stooped, from being the representative of the whole country, to be the representative of a party. And as this is the first instance in our history of any such transaction, so I intend to do all in my power to make it the last. For one, set my mark of disapprobation upon it; I contribute my voice and my vote, to make it a negative example, to be shunned and avoided by all future ministers of the U. States. If, in a deliberate and formal letter of instructions, admonitions and directions are given to a minister, and are repeated once and again, to urge these mere party considerations on a foreign government, to what extent, is it probable, the writer himself will be disposed to urge them, in his one thousand opportunities of informal intercourse with the agents of that government?"

All this, sir, is extremely well expressed; and if the instructions referred to, do really bear the character which the Senator has given them, then

the condemnation he has pronounced, is strictly just ; and I, for one, will applaud him for his fidelity and firmness ! The fact however, that the instructions are such as he has stated, remains to be proved. Whether they be so or not, may easily be decided, by a reference to the document itself ; and to this short and proper test, Mr. Webster proposes to bring the question. Before he does this however, he undertakes to state the posture of that matter to which they related, *i. e.* the state of our trade with the British West India Colonies. He then proceeds to give a very brief, but at the same time, a very artful statement of the "posture of the subject." [Here Mr. Butler read Mr. Webster's statement of the circumstances preceding the appointment of Mr. McLane.] If this were a correct statement, it would be difficult to deny the justice of some of his animadversions. I shall show that it is grossly incorrect. I admit that it does not profess to be a minute history ; it is put forth as a mere outline ; but a single instance of unfaithfulness in an outline, will deceive even more than numerous errors in an elaborate work. In the present case, there are several such instances, and some of them of a most striking character.

In the first place, the honorable Senator entirely misstates the manner in which this subject was disposed of by the convention of 1815. On this point he says : "All know that by the convention of 1815, a reciprocity of intercourse was established between us and Great Britain. The ships of both countries were allowed to pass, to and from each other respectively, with the same cargoes and subject to the same duties. But this arrangement did not extend to the British West Indies.—*There our intercourse was cut off.*" It is true, that by that treaty, the commercial intercourse between G. Britain and the United States was established on just and equal terms ; the ships of both countries being allowed to pass to and from each other respectively, with the same cargoes and subject to the same duties. It is also true, that this arrangement did not extend to the British West Indies ; there being an express stipulation in the treaty, that the intercourse between the U. S. and the British possessions in the West Indies and on the continent of North America, should not be affected by any of its provisions. This exception was inserted, in consequence of the peremptory refusal of the British government to negotiate on the subject—a refusal founded on their determination, to adhere to their ancient policy of regulating this trade by navigation laws and not by treaty.

But it is not true that "*our intercourse to the West Indies was cut off*" by that treaty, or by any state of things then existing. On the contrary, we then had an intercourse with those Islands, regulated precisely like that which we enjoyed before the war. It was such an intercourse as was permitted by the acts of Parliament and orders in council, then in force. Our exports to the British West Indies and their American colonies amounted in 1815, to \$3,081,295; in 1816, to \$6,069,900; in 1817, to \$7,493,754, *of our own products*; at least one-fifth of which was exported in American vessels. The duties collected by us on imports from those colonies, during the years 1815 and 1816, exceeded, in the aggregate, \$5,000,000, of which \$1,130,817 were on importations in our own vessels; and yet, the distinguished Senator from Massachusetts could say in his place, and send it out into the world, that "*our intercourse was cut off.*"

The error I have now pointed out is an extremely

important one. It has a most material bearing on the subsequent acts and omissions of the public servants by whom the business of this nation was afterwards conducted. The tendency of Mr. Webster's statement is to show, that those acts and omissions were not only excusable, but that they occurred in the course of "retaliatory" measures, entered into on the part of our government, with the view of opening an intercourse from which we had been "*cut off*" by the treaty of 1815. That this assertion is utterly incorrect, I have already shown; and if I should extend the same degree of charity to Mr. W. which he has displayed towards Mr. Van Buren, I should be obliged to add, "that he knew, or ought to have known," that it was so.

The gentleman who first addressed you, (Gen. Dix,) has given, in a very correct and lucid manner, the general history of the colonial trade. I shall not go over the ground that he has occupied; but it is necessary I should state, that in addition to the practice of regulating this trade by acts of Parliament and orders in council, another cardinal feature of the British policy was, the imposition of protecting duties on American produce imported into their colonies. These protecting duties the British ministers in 1815 refused to give up, and they have ever adhered, and declared they should adhere, to this determination. Notwithstanding this, Mr. Adams, as Secretary of State, and Mr. Clay, as a leading member of the House of Representatives, undertook, the former to negotiate, and the latter to drive, the British government from the stand they had taken. Between 1815 and 1823, various acts of congress were passed, with the view of coercing the British government into a compliance with our demands. The nature and object of these acts are carefully overlooked by Mr. Webster; and this is the next material defect in his summary to which I beg leave to call your attention. To compel the British government to give up their protecting duties, alien or discriminating duties were imposed and kept up by us, to the great dissatisfaction of Great Britain. But as these did not accomplish the object, the act of 1818, concerning navigation, and that of 1820, supplementary thereto, were passed: the effect of which was, to establish a non intercourse in British vessels with all the British American colonies, and to prohibit the introduction into the United States of all articles, the product of these colonies, except that of each colony imported directly from itself. This state of things continued until 1822, when the ports were opened by virtue of acts of Congress and of Parliament, subject to certain restrictions—our discriminating duties being still retained, (though still objected to on the other side,) with a view to the original design of getting rid of the protecting duties. With further reference to this end, the act of the 1st of March, 1823, was passed by Congress. This act, among other things, declared in effect, that so long as those duties were kept up in the Colonies, our discriminating duties should be exacted; and it provided, in case the trade allowed by the British act of 1822, or any part of it, should be prohibited to us by Great Britain, that on the President's proclaiming the fact, the acts of 1818 and 1820, before referred to, should be revived and in full force. It is evident from this notice of our legislation, during the period referred to, that it involved a claim on our part to be allowed to participate in this trade, without being subjected to the terms on which it was enjoyed by other nations, and which, in the judgment of the British government, were fundamental in their nature.—

This claim was also brought forward by our Ministers, under the instructions of Mr. Adams and Mr. Clay; and it is to this that Mr. Van Buren refers, when he speaks of the "*claims*" and "*pretensions*" set up on our part, but afterwards abandoned by the last administration.

The next event referred to by Mr. Webster, is the British act of the 5th of July, 1825, of which he says that it offered "*reciprocity as far as the mere carrying trade was concerned*, to all nations who might choose within one year to accept the offer." Without stopping to show that this is not a very fair mode of stating the contents and effect of this act, let us look at the excuses which he gives for its non-acceptance by Mr. Adams' administration.

The *first*, is "because it was never officially communicated to it." By this the senator means the public shall understand, that the act was *unknown* to Mr. Adams' administration, because not communicated. If he does not mean this, then the excuse amounts to nothing; for if they knew of the act, it was not at all material that it should be officially communicated. But did not Mr. Webster know, that it was not the practice of the two governments to communicate to each other, acts of legislation? Did he not recollect that it was made known to Congress at the session of 1825-6 by the message of the President? That the Baltimore merchants presented a memorial, in which they referred to this law, and prayed Congress to act on it? That Senator Smith introduced a bill on the subject, which was laid on the table by the vote, chiefly, of the administration senators? That a resolution was introduced into the House of Representatives, by Mr. Cambreleng, of this State, calling on the committee on commerce, at the head of which was Mr. Newton, a warm supporter of the administration, to report, whether it was not expedient to come in under this act? If Mr. Webster *does not know* all this, then has he forgotten what passed under his own eyes, during the session of 1825 '6! If he *does know* all this, what shall we say of his candor and regard to truth, in making this excuse?

The *second* excuse he assigns is, "because only a *few months* before, a negotiation on the same subject had been suspended, *with an understanding that it might be resumed*." It is true that in July 1824, (not a few months, but within three weeks of a year before) a negotiation on this subject, which had been for some time pending at London, between Mr. Rush on our part, and Mr. Huskisson and Mr. Stratford Canning on the other, was suspended. But it is an entire mistake to say, that it had been suspended *with an understanding that it might be resumed*. I know this excuse has been repeatedly set up by Mr. Clay; but I also know, that the last protocols speak of the *final communications* of the ministers to their respective governments; and that they say not a syllable about *resuming the negotiation*. If this point is to be decided by the record, then there is no pretence for saying, that there was any understanding that the negotiation was to be resumed. After waiting very nearly a year, without hearing a syllable on the subject, Parliament passed the act of the 5th of July, 1825. The passing of this act was in itself the highest evidence, that the British Government were resolved not to depart from the ground they had maintained; and how men of sense can say, and hope to be believed, that they supposed the matter was still to be left open to negotiation, notwithstanding the enact-

ment of this law, passes my comprehension.

But there is a *third* reason for not accepting the terms of this law. "It was very desirable to arrange the whole matter, if possible, by treaty, *in order to secure, if we could*, the admission of our products into the British Islands for consumption, [Mr. Webster means by this, free of the *protecting duties*,] as well as the admission of our vessels."—And he goes on to observe that this object had been pursued ever since the peace of 1815: and that Mr. Adams' administration was not the first to take this ground. I have already stated when, by whom, and for what purpose, this ground had been taken. And it is only necessary, in order to dispose of this last excuse, to remark, that long before the expiration of the time limited for coming in under the act of 1825, it had been fully ascertained, that this object *could not* be effected. Ten years of fruitless negotiation had shown that the scheme was utterly impracticable. To persist in pressing it, after the passage of the law of '25, evinced great want of judgment, and a singular passion for diplomacy; but very little either of good sense or statesmanship.

"In this state of things," says Mr. Webster, "Mr. McLane was sent to England." This, sir, I deny. He was not sent under the state of things sketched by Mr. Webster. The honorable senator has not only, as I have shown, given an erroneous coloring to all that he *has* stated, but he has entirely omitted the most material portions of the case. He has omitted to state *when* and *how* the direct trade was cut off, and the events which abroad and at home followed that event. It was cut off by an order in Council dated the 27th July 1826, which took effect on the 1st of December 1826, nearly two years after the commencement of Mr. Adams' administration. The order was issued, in consequence of the omission of our Government to avail itself of the offer held out in the British act of July 1825. The trade enjoyed by us prior to December 1826, though unequal and restricted, was extensive and valuable. It was much better than a non-intercourse; and a large proportion of the capital and enterprise of the country was interested in it. The loss of this trade occasioned great complaint. Mr. Adams and his cabinet felt the pressure of the case. Mr. Gallatin—who had been sent out in the beginning of 1826, with a set of flimsy excuses for not accepting the law of 1825—Mr. Gallatin, I say, was instructed in 1827 to beg anew of Lord Dudley (who had come into the Foreign Office after the death of Mr. Canning,) to be let in on the terms of the act of 1825. Mr. Gallatin did all that a minister situated as he was, could do, but without success; and in the beginning of 1828, he returned in despair. Mr. Barbour was then sent with directions to sue again for the same privilege. In the mean time, the subject had been fully brought before the American people; the documents were called for and read: Mr. Adams and his Secretary of State were charged with the loss of this trade, by neglect and mismanagement; they were vindicated by their friends in the best way which the subject admitted; but in the judgment of the People, the vindication was imperfect. How much the popular dissatisfaction upon this point contributed to the overthrow of Mr. Adams' administration, it is now impossible to tell. That it was one of the causes which contributed to that result, Mr. Webster himself does not venture entirely to deny; though he suggests that other causes had a greater influence in producing it. However that may be, no man can deny that the loss of the West India

trade by the late administration, was distinctly made, at every poll in the Union, one of the principal topics of accusation and defence; and so long as this fact shall be admitted, it will be difficult to prove that this point was not included in the verdict rendered by the people. This, then, was "the state of things" under which Mr. McLane was sent to England, and received his instructions from the Secretary of State. "In these instructions," says Mr. Webster, "are found the sentiments of which I complain." What are they? Let us examine and see.

"Mr. Van Buren tells Mr. McLane, 'The opportunities which you have derived from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do,) of the respective parts taken by those to whom the administration of this Government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade.'"

On this sentence he makes the following comment:

"Now this is neither more nor less than saying, 'you will be able to tell the British minister, *whenever you think proper*, that you, and I, and the leading persons in this administration, have opposed the course heretofore pursued by the Government, and the country, on the subject of the colonial trade. Be sure to let him know, that on that subject, we have held with England, and not with our own Government.' Now I ask you, sir, if this be dignified diplomacy? Is this statesmanship? Is it patriotism, or is it mere party? Is it a proof of a high regard to the honor and renown of the whole country, or is it evidence of a disposition to make a merit of belonging to one of its political divisions?"

Now, sir, if this sentence stood alone, without any thing to qualify or restrict it, it would not bear the version which the senator has given it. It would not have authorised Mr. McLane to say, that the members of the present administration had "opposed the course" theretofore pursued by "the country," and "held with England," instead of their own Government. But this perversion of the language he had quoted, is as nothing to what I am about to mention. You will observe, sir, that the quoted sentence, standing by itself, would seem to warrant the remark, that Mr. McLane was authorised, *whenever he thought proper*, to volunteer the statement—not that he and Mr. Van Buren "had held with England instead of their own country," as Mr. Webster has it—but to state the parts taken by the present administration on the subject in question. The propriety of authorising our minister to speak of such a matter, except in the event of its becoming necessary that he should do so, might well be questioned. But on reading the sentence which immediately precedes that quoted by Mr. Webster, you will find that no such unlimited authority was given. On the contrary, *Mr. McLane was authorised to speak of this matter only in a particular state of things*. What that was, the omitted sentence will show. It is as follows: "If the omission of this Government to accept of the terms proposed, when heretofore offered, be urged as an objection to their adoption now, it will be your duty to make the British Government sensible of the injustice and inexpediency of such a course." "The opportunities which you have derived," &c. &c.

I will not now stop to inquire, whether it was proper to authorise Mr. McLane to hold this lan-

guage, in case the anticipated objection should be made. That question, I will by and by consider; but at present I ask, Is it true that Mr. McLane was authorised, "*whenever he should think proper*, to tell the British minister," &c. &c.? On the contrary, is not his authority to speak of this subject at all, specially limited to the event of its being objected, that the former administration had omitted to accept the terms proposed? Why then was the qualifying sentence omitted? I ask you, sir, if this be fair dealing? Is this justice, or is it gross injustice? Is it a proof of a high regard to truth and fairness? Or is it evidence of a disposition to mislead the public mind; to place the question on false grounds; and to destroy a political opponent, by any and every means? I protest to you, sir, I am sorry—truly sorry—to say, that in my humble judgment, it is conclusive evidence of such a disposition.

Mr. Van Buren goes on to say: "Their views (those of the present administration,) upon that point have been submitted to the people of the United States; and the councils by which your conduct is now directed, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts. It should be sufficient that the claims set up by them, and which caused the interruption of the trade in question, have been explicitly abandoned by those who first asserted them, and are not revived by their successors." I have already alluded to Mr. Webster's observations on the first part of this paragraph. On the assertion contained in the latter part of it, he remarks: "It is manifestly quite wide of the facts. Mr. Adams' administration did not bring forward this claim. I have stated already, that it had been a subject, both of negotiation and legislation through the whole eight years of Mr. Monroe's administration; this the Secretary knew, or was bound to know. Why then does he speak of it as set up by the late administration, and afterwards abandoned by them, and not now revived?"

The charge here made, of a departure from the facts, is quite gratuitous. It is not denied that the claims referred to were set up by the late administration, nor that they were abandoned by them: the imputed departure from truth consists in the supposed assertion that these claims were first set up by the late administration. But Mr. Van Buren does not assert that they were the first administration which had set them up. He knew, as well as Mr. Webster, that they were first set up under Mr. Monroe's administration, and if Mr. Webster's accustomed accuracy had not been lost to him, he would have recollected that in a former part of the instructions, (p. 6,) the Secretary had expressly stated, that the claims referred to were put forth in the act of Congress of the 1st of March, 1823, and that they "had been previously advanced by us in our negotiations on the subject." But who were the persons who first set up those claims? Every man acquainted with the history of the subject knows, and at least every Senator in Congress ought to know, that they were John Quincy Adams and Henry Clay. And will it be denied that they had explicitly abandoned them? Where then is the departure from fact in this part of the instructions?

But, says Mr. Webster, "the most humiliating part of the whole follows: 'To set up the acts of the late administration as the cause of forfeiture of privileges, which would otherwise be extended to the people of the United States, would, under

existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility." Here then, we have the "head and front" of the Secretary's offending, as well as the fullest display of Mr. Webster's patriotism. It exudes from every pore in the following exclamation: "So, then, Mr. President, we are reduced, are we, to the poor condition, that we see a Minister of this great Republic instructed to argue, or to intercede, with the British Minister, lest he should find us *to have forfeited our privileges; and lest these privileges should no longer be extended to us!* And we have *forfeited those privileges* by our misbehaviour, in choosing rulers, *who thought better of our own claim than of the British!* Why, sir, this is patiently submitting to the domineering tone of the British Minister, I believe Mr. Huskisson—[Mr. Clay said "no, Mr. Canning."]—Mr. Canning, then, sir, who told us that all our trade with the West Indies was a *boon*, granted to us by the indulgence of England. The British Minister calls it a *boon*, and our Minister admits it is a *privilege*, and hopes that his Royal Majesty will be too gracious to decide that we have forfeited this privilege by our misbehaviour, in the choice of our rulers! Sir, for one, I reject all idea of holding any right of trade, or any other rights, a *privilege*, or a *boon*, from the British government, or any other government."

The point of this effusion consists in the changes which are rung upon the word "*privilege*." Mr. Van Buren, recreant that he is, speaks of the offer held out in the British act of Parliament as a "*privilege*!" And this is patiently submitting to the domineering tone of Mr. Canning, who had called it a *boon*! And on this theme we have a commentary, in which this horrible word "*privilege*" is treated as if it involved the utter abandonment of all principle and honor. Sir, in uttering this tirade, Mr. Webster has either displayed very great want of information himself, or counted very largely on the want of it in others. Ever since she has had Colonies, Great Britain has maintained, with inflexible perseverance, in common with other powers having such possessions, the ancient policy of treating the trade with her colonies as a thing belonging exclusively to herself—a thing not to be enjoyed by other nations, save at such times and on such terms as she pleased. As to the wisdom of this policy; its influence on the Colonies themselves; and its justice or liberality towards other nations; I have nothing to say; I speak only of the fact; and that it is as I have asserted, no man who has the least pretensions to general knowledge will venture to deny. It is on this principle that she has so uniformly persisted in the course of regulating the Colonial trade by acts of Parliament and orders in Council, which she could change at pleasure, instead of forming treaties on the subject which could not be so changed. Now, though our government was extremely desirous to place this matter on a more liberal and permanent footing, and to do so by treaty, rather than by separate legislation, yet until after we had lost the benefits held out by the British act of '25, we never pretended to deny the right of Great Britain to do as she pleased on the subject. The endeavor was, to convince her by argument and by retaliatory laws, that it was her interest to place this branch of her commerce on the same footing as the trade between us and the mother country. In this we had not succeeded, and in the mean time, we had been content to take what we could get of this commerce, as a *privilege*—I say as a *privilege*; be-

cause all the British statutes on this subject into which I have looked, speak of the permission given to foreign nations to trade with the British colonies, as a *privilege* granted to such nations. The act of June, 1822, under which we enjoyed a restricted intercourse until 1826, called it a *privilege*, and Mr. Monroe's administration did not consider it derogatory to the national honor to take the benefits offered by that law as a *privilege*. On the contrary, you will find, sir, that Mr. Adams, in one of his instructions to Mr. Rush, spends half a dozen pages in an attempt to settle the true construction of the phrase "*the privileges granted by this act*," without once dreaming, with all his Bunker-Hill temperament, that there was any thing in the word "*privileges*" at which an American was to take fire. More than this: The famous act of July, 1825, uses the same language. It provides "that the *privileges* granted by the law of navigation to foreign ships, shall be limited to the ships of those countries, which, having colonial possessions, shall grant the like *privileges* of trading with those possessions to British ships, or which, not having colonial possessions, shall place the commerce and navigation of Great Britain and its possessions abroad, upon the footing of the most favored nation."—Now it was in reference to the advantages held out by this act, that Mr. Van Buren used the obnoxious language, which forms, in the judgment of Mr. Webster, the most culpable part of his instructions; yet we see that he spoke of them in the very terms of the act itself. But there is yet something further on this point. Mr. Clay himself, in his letter to Mr. Gallatin of the 11th of April, 1827, uses, in reference to this *very point*, the same language as Mr. Van Buren. He says, "we can hardly suppose, under these circumstances, that the British government after the passage of such an act of congress as you are now authorised to state that the President is willing to recommend, would refuse to remove the interdict which has applied only to the navigation of the United States. A denial to them, alone, of the PRIVILEGES of the act of parliament of 1825, offered to all nations, could not be easily reconcilable with those friendly relations, which it is the interest of both nations, as it is the anxious endeavor of the government of the United States, to cultivate and maintain."

I admit, Sir, that I am but a *tyro* in the science of diplomacy; but after this last reference, I think that without going beyond the spelling-book, I may safely ask the great lawyer of New-England; Whose bull it is that has gored the ox now? Seriously, Mr. Chairman, can you imagine any position more pitiable than that in which the Senator has placed himself? He selects at leisure, the subjects of his animadversions; he brings them out with great form and circumstance; he places himself on a particular passage, as one which admitted of no defence; and then, from this fancied vantage ground, he talks loudly of the insulted honor of his country—his country thus humbled at the feet of the British king! But lo! when we come to scrutinize this "*most humiliating paragraph*," we find in it nothing to justify this noise and bluster—nothing to call for animadversion or remark—nothing which others had not said, and properly said before—we find it nothing—literally nothing! *Vox et preterea nihil!* And yet, Sir, after all, the honorable Senator is more than half right. This famous passage is really as "*humiliating*" as any other—perhaps more so than any other in the whole despatch. How "*humiliating*" *this* is, we have already seen; and from the character of this passage, you may judge as to the rest.

Mr. Webster proceeds to say, "At the conclusion of the paragraph, the secretary says, '*You can not press this view of the subject too earnestly upon the consideration of the British ministry. It has bearings and relations that reach beyond the immediate question under discussion.*'" Here also I have to complain that by omitting the sentence immediately before it, the effect of the sentence quoted is entirely destroyed. Speaking of the feeling which was likely to be produced in this country by a refusal on the part of Great Britain to permit us to participate in a trade which was opened to other nations, Mr. Van Buren had remarked, "The tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated, by the consciousness that Great Britain, by order in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of July 1825." He then says, "You can not press *this view of the subject too earnestly, &c.*"—that is—you can not too earnestly press the consideration, that if Great Britain persists in a course so unwise and untenable, she will excite a most unfavorable tone of feeling in the United States, &c. &c. This, Sir, is obviously the true sense of the passage, when taken in connection with what preceded it; and this is not only proper, but strong, language. And yet, by omitting the preceding sentence, the cited passage is made to mean that Mr. McLane could not "press too earnestly on the British ministry," the course which the present administration had taken in the former controversy. It is due, however, to Mr. Webster to say, that he rather insinuates than alleges that this is the meaning of the secretary; but one of his associates, Mr. CHAMBERS, gives it this version, and dwells on it at length. Its injustice is palpable and glaring.

The last quotation made by Mr. Webster for the purpose of sustaining the charges he had made, is from the close of the despatch, and is in the following words: "*I will add nothing as to the impropriety of suffering any feelings that find their origin in the past pretensions of this government, to have an adverse influence upon the present conduct of Great Britain.*" On this he asks whether it be statesmanship? or dignity? or elevated regard to country? And he sums up his judgment of the whole document, in the following enquiry: "Can any man read this whole despatch, with candor, and not admit that it is plainly and manifestly the writer's object to gain credit with the British ministry for the present administration, at the expense of the past?" And he subjoins, in conclusion, that the pervading topic through the whole is, "not American rights, not American interests, not American defence, but denunciation of past *pretensions* of our own country, reflections on the past administration, and exultation, and loud claim of merit, for the administration now in power."

I have now read to you all the proofs adduced by Mr. Webster, and every passage of his comments, which is material to a proper understanding of the grounds of his decision. The remainder of his remarks—with the single exception of the sickly manner, in which he talks of the "*duty*," the "*unpleasant duty*," the "*most unpleasant duty* of his public life"—is precisely what it should have been, if the statements made and the censures bestowed, in the former part of his address, had been correct and just. I have proved, by evidence which can neither be repelled nor evaded, in respect to all the *special circumstances* relied upon by the honorable Senator, that his statements

are palpably incorrect, and his censures as palpably unjust. And I confess, sir, that it is to me, matter both of astonishment and regret, that a Senator whose talents and reputation are even among his compeers so "proudly eminent," should have perverted his splendid powers, to a work so wicked and so weak.

The general tone of the whole document, and the propriety of authorising Mr. McLane to speak, in a given event, of our political history and of the acts of our public men, remain to be considered.

I wish, sir, that every person who takes an interest in this subject, would read the whole of these celebrated instructions. As they occupy about a dozen large octavo pages, such a perusal is indispensable, if we would form an accurate judgment as to their general character and purpose. He who shall read them with but a moderate degree of impartiality, will find that with a just regard to the rights and interests of our own country, there is blended throughout a manly frankness, which is calculated to inspire confidence and to command respect. So far from "holding with England," and "denouncing the past pretensions of his own country," the Secretary commences with the declaration that "the policy of the United States in relation to their commercial intercourse with other nations, is founded on principles of perfect equality and reciprocity;"—that these principles "have been adhered to with scrupulous fidelity;"—that the convention with Great Britain in 1815, established the intercourse between us and their possessions in Europe "on just and equal terms;"—that we then desired to put our trade to the American colonies, on the same footing of equality and justice;—and that to establish it on fair terms had "always been the sincere object of this country." The various steps by which the unfortunate state of things, existing at the date of the instructions, had been produced, are detailed with fidelity; the grounds on which we were liable to be assailed, in consequence of the acts and omissions of a former administration, are then frankly stated; the injurious consequences, to both countries, of keeping up the British interdict, are strongly insisted on; the wishes of the President, and the precise terms on which he is willing to settle the matter, are clearly expressed; and Mr. McLane is directed to make them known in such a plain and direct manner as to secure a prompt and explicit reply. This, sir, is the general tone of the instructions; and I confess that I find in it nothing inconsistent with a vigilant regard to the honor of the nation.

But the application which Mr. McLane was directed to make, had been twice made by Mr. Galbitin, and once by Mr. Barbour, during a former administration. On these occasions, it had not only been denied, but the British government had refused to treat upon the subject, because of a previous omission to take the privilege applied for, when frankly offered by the act of July, 1825. That Mr. McLane would also be met by this objection; and that unless it could be anticipated and removed, it would again interpose an insuperable bar to the success of the negotiation; was not only known to those who gave him his instructions, but to the whole people. If this objection were brought forward, then,—*and then only*—he was to make the other party "sensible of the *injustice and inepticiency of such a course*," by saying to them, in substance, "although you have a right to hold our constituents to the consequences of the acts and omissions of their former servants, our predecessors, if you choose to do so—because they had a ge-

neral authority to act for our constituents, and you could only know their sentiments by the acts of their agents—yet in truth the American people did not approve of their conduct in this matter; on the contrary, the moment they became acquainted with the subject, they removed their former agents from the stations they had filled, and put us in their place, for the express purpose, among other things, of settling this very affair on the terms before proposed by you.”

Was it proper to instruct Mr. McLane to hold this language? Under the circumstances of this case, considering the interest which the people had taken in the matter,—the decision they had pronounced—the importance of the particular object in view—and the still greater importance of placing the relations of the two countries on a friendly footing—I cannot doubt that it was so. It is undoubtedly making a distinction between the *country* and a *former administration*—not, however, for the purpose of “making interest for a *party*, rather than for the *country*”—nor with the view of “making favor for *one* party at home, against *another*”—but evidently from a sincere and anxious desire to secure to the *country*—aye, sir, to the “*whole country*”—the advantages in question.

In making this distinction no injury is done to the nation—there is nothing in it, derogatory to the honor of the country. I grant that it implies, to some extent, a reflection on the conduct—perhaps on the capacity and fairness—of the former administration. And I do not wonder that the members of that administration should feel somewhat restive under an implication of this sort. But an implication of the same character—though infinitely stronger and more humiliating—was contained in the result of the election of 1828; and those who, by that election were brought into the administration, were not only authorized, but bound, to take this course, for the purpose of accomplishing the wishes of their constituents. To say that it ought not to have been taken, because it involved a reflection—or if you please, a reproach—on the former administration, is to place the character and interests of the public agent above those of the public themselves—a theory, which, however, it may suit the meridian of some governments, is, in my judgment, utterly repugnant to the principle of ours. With us, sir, the people—the “*whole*” people—are the parties really interested in all the affairs of government, as well as the sources of all political power; and the particular administration which may at any time be in office, are merely the instruments by which they act—the organs by which they speak. In their intercourse with foreign powers, as well as on all other subjects, they are bound to express the sentiments, and to obey the will, of those who have commissioned them. I do not profess, sir, to be deeply read in the history of diplomacy; but unless I am greatly mistaken, these principles have generally been acted on, for the last century, even by the governments of Europe. But however this may be, they spring so naturally from the character of our political institutions, and are so congenial to justice and common sense, that in reference to ourselves, I entertain a confident persuasion of their truth.

I trust, sir, I have shown that the honor of the republic has not been tarnished by these instructions. I wish I could say as much in reference to all the negotiations on this subject.—This, however, cannot be said of that part of them which was conducted by the late administration.

The general tone of the instructions transmitted by Mr. Clay to Mr. Gallatin, in the years 1826 and '27, is that of a culprit who knows that he deserves, and fears that he shall feel, the rod; but who, in the very act of deprecating the consequences of his misconduct, aggravates his offence, and seals his condemnation, by resorting to quibbles and subtleties. It is the only page in the history of American diplomacy, of which we have reason to be ashamed. In the perusal of this page, the patriot will hang his head; for he will find in every line the windings of the serpent, but not a trace of his wisdom—the weakness of the dove, but none of her simplicity or innocence. Take a single instance. When the negotiation was suspended at London, in July, 1821, Mr. Rush wrote to Washington for further directions. None were sent to him; and though Mr. King was sent out in June, 1825, and remained nearly a year, he was uninstructed on this point. Not a line was written on the subject from the State Department, until the 19th of June, 1826, when Mr. Clay gave his instructions to Mr. Gallatin, who was then about taking the place of Mr. King, and the special object of whose mission was to prevent the British act of July, 1825, from being closed upon us. To avoid this result, Mr. Clay instructs him that it had always been the intention of our government to resume at London the negotiation which had been suspended in 1824, and that it would have been done by Mr. King, had not the state of his health and various other circumstances prevented him from entering on the subject. Mr. Gallatin, in his first letter to Mr. Canning, under date of the 26th of August, 1826, brought forward this statement, supposing, undoubtedly, that it was true. Sir, it was not only *not* true, but Mr. Canning had it in his power to prove that it was not. In his reply of the 11th of September, '26, he thus sweeps away, with a single dash of his pen, this—the only excuse then set up for our previous delay: “Mr. Gallatin in his note of the 26th of August states, ‘it is well known that the delay in renewing the negotiation upon the subject of the colonial intercourse, on principles of mutual accommodation, is due to causes not under the control of the United States, *principally to the state of health of Mr. King.*’ Upon this point, the undersigned has only to observe, *that no intimation that Mr. King had received instructions which would have enabled him to resume the negotiation, was ever before communicated to the British government.* On the contrary, the only communication at all relating to this matter, which has ever reached him in any authentic shape, was in a despatch from Mr. Vaughan, dated the 22d of March last, (1826,) wherein that Minister states: that ‘Mr. Clay had informed him that *he should not be able to furnish Mr. King with his instructions before the end of the month of May,* (May, 1826,) to enable him to recommence the negotiation.’” Judge, sir, what must have been the mortification of our Minister when he received this response! He transmitted it to Washington, and subsequently received from Mr. Clay, in his despatch of the 11th of November, 1826, a new set of excuses, (the same which have been made by Mr. Webster,) which were just as easily demolished by the British secretary as that which had preceded them. This last communication contained a reluctant admission of the fact, *that no instructions on this point were ever given or sent to Mr. King;* with a laboured but lame attempt to prove that the former statement was consistent with the truth. This attempted ex-

planation was, however, so entirely insufficient, that Mr. Gallatin did not venture to suggest it to Mr. Canning; and to this hour the original statement lies among the archives of the British court, without the semblance of vindication or excuse!

I will not detain you by any comments on this transaction, further than to say, that as "this is the *first* instance in our history" in which a Secretary of State has ever dared to put an untruth into the mouth of a minister abroad, so I fervently pray that in all future time, it may ever be considered "a negative example, to be shunned and avoided" by all his successors. Sir, it *was* "shunned and avoided" by his immediate successor.—You will find in the instructions to Mr. McLane, none of that sort of "statesmanship," with which the last administration seemed to be so familiar.—On the contrary, they are marked by that integrity and singleness of purpose—that candor and plain dealing—which adorn the character of the President, and which, under his influence and direction, have distinguished all our recent negotiations.

But whatever may have been the course of Mr. Clay whilst Secretary of State, it must be admitted, that *now* he almost rivals Mr. Webster, in a tender regard for the honor of the country and the character of our diplomacy. He thinks too, with his distinguished associate, that both have come to harm in the hands of his successor. And if we are to credit their assertions, all the Senators who opposed the nomination—and I suppose also the presiding officer who gave the casting vote—have been exclusively influenced by this elevated motive and the duties which flowed from it. Sir, it is always a harsh thing, to say of public men, that we do not confide in their solemn asseverations. That many of the Senators who voted against this nomination, *may have been brought to believe*, that its rejection was due to the character of the nation, I am not disposed to doubt. Undue confidence in political leaders, and that obliquity of understanding which is the natural result of prejudice and passion, of personal interest and party zeal, will oftentimes induce upright and intelligent men, to believe, what if left to themselves they would never have suspected; and to make that belief the foundation of their acts. But that the leaders of this new and strangely assorted coalition—and more especially the three distinguished individuals whom the public have designated as its heads—were induced to take for themselves, and to urge upon their followers, this unprecedented step, from an impressive sense of public duty, growing out of a sacred regard to the honor of the country, and from no other motive, is what will never be believed by the intelligent people of the United States. The common sense of mankind will repudiate the idea that such *could* have been the motive. I will not go into the evidence on which this conclusion will be founded. It is needless that I should do so—the thing is palpable—it speaks for itself, in terms so plain and unambiguous, that "he who runs, may read." A formidable rival—a powerful opponent—was to be put out of the way; the measures of the administration were to be thwarted and deranged; and the feelings of the President were to be wounded in the tenderest point, by the sacrifice of his friend. Those who reared the altar on which the victim was immolated, will not only be held accountable for the injustice of the act itself, but for polluting with savage rites, what has hitherto been deemed consecrated ground.

One word more, and I shall trespass no longer on your patience. It seems from the reported

speech of Mr. Clay, that he deemed it consistent with the dignity of the Senate, and pertinent to the question before them, to assail the character of New-York. "An odious system of proscription," says the honorable Senator, "*drawn from the worst periods of the Roman republic*, is constantly acted on in that State." My friend, col. M'Kown, with indignant eloquence, has adverted to this attack. I allude to it for another purpose. I am happy to avail myself of the reference of Mr. Clay; for whatever may be its application to any thing which now exists, or has ever existed, in New-York, it is peculiarly appropriate to the measure we are considering. If I have rightly read the history of that far famed republic, its *worst* period was when the highly gifted, but licentious and desperate Antony, and that arch dissembler, Octavius Cæsar, formed, with the restless and aspiring Lepidus, the **SECOND TRIUMVIRATE**. You recollect, sir, the history of that infamous coalition.—Each of its members aimed at the sovereign power; each hated the other; though at the moment, Octavius was professedly the friend and supporter of Antony. The immediate object was, to combine a force sufficiently powerful to put down their competitors and opponents. For this purpose, Lepidus, who was despised by both his coadjutors, was brought into the Triumvirate; and by his vote the "black proscription" was decreed. The first orator in Rome was the chief object of their hate, and one of their earliest victims; though on this point, Octavius affected to yield a reluctant assent to the wishes of his associates. Whether, in the end, he ascribed that assent to a solemn conviction of *duty* to the republic, is not recorded by the historians; but it *is* recorded, that his pretended reluctance in the case of Cicero, was the merest affectation.—After having served the turn for which he had been used, the miserable Lepidus was abandoned to obscurity and contempt. In the fate of his prototype, the **LEPIDUS** of this **SECOND COALITION** may read, with unerring certainty, his own approaching doom; and in the sentence which impartial posterity has passed on the motives and conduct of *that*, I anticipate, with confidence, the judgment of the American people, on the acts and motives of *this* Triumvirate.

NOTE.—The preceding remarks were delivered, and a great part of them written out, before the speeches of Senators SMITH, FORSYTH, and MARCY, and the second speech of Mr. WEBSTER were received at Albany. Some of the points might have been strengthened, if the author had had the benefit of the facts resting within the personal knowledge of Messrs. Smith and Forsyth, and which are stated in their respective speeches. To prevent misapprehension, it is proper to observe, that the bill to which Mr. FORSYTH refers, as having been lost, in consequence of a disagreement between the two houses as to certain amendments made in the House of Representatives, was introduced in the session of 1826-7, whereas the proceedings referred to above, all took place in the session of 1825-6, and before the mission of Mr. Gallatin.

As Mr. Webster has not, in his second speech, corrected any of the errors contained in his former remarks, I find no occasion for altering what I had said and written out. But there are two points, in his last remarks, which deserve notice.

Mr. Webster has attempted to show, that the "*pretension*" spoken of by Mr. Van Buren, as having been "abandoned by those who first set it up,"

had in truth originated with General Washington ; and to prove this he quotes a paragraph from the instructions of President Washington to Mr. Morris, dated in October, 1789. In this passage, Mr. Morris is directed to insist “ on the *privilege*” [another instance of the use of this offensive term, and by the father of his country too,] “ of carrying our productions, in our vessels, to their Islands, and of bringing in return the productions of those Islands, to our own ports and markets,” as one of the highest importance. On the supposition, that this was the identical pretension which had been spoken of by Mr. Van Buren, Mr. W. indulges himself in a fancied triumph, which would be of extremely short duration if he would condescend to give his attention to the precise character of the “ *pretension*” referred to by Mr. V. B. It was not a claim to be allowed “ *to carry our own productions, in our vessels to the West India Islands, and to bring in return the productions of those Islands to our own ports,*” which was the privilege claimed by President Washington ; but a claim to be permitted to carry our productions to those Islands, *and to enter them there free of the protecting duties imposed on our produce.* This is the pretension referred to by Mr. Van Buren, as will be seen on reference to his instructions ; and of this, not a word is said in the extract from Gen. Washington.

Again. Mr. Webster refers to our act of the 1st of March, 1823, to show that “ Congress itself has sanctioned this same *pretension.*” This act, he informs us, was passed 2 years before the commencement of Mr. Adams’ administration, and in a note he adds that Mr. Van Buren was himself a member of the Senate and Mr. McLane of the House, at the time of its passage—and upon this, he asks various questions, all founded on the supposition that this law was “ overlooked or forgotten” when the instructions were penned ; and tending to ascribe this fact to the want of any “ *tolerable acquaint-*

*tance with the history of the negotiations of the U. States, or their legislation. &c.*” Now I have already explained above, what Mr. Van Buren had said on this point ; and to prove that he was acquainted with the fact that the pretension referred to was brought forward whilst Mr. Monroe was President, I referred to *this very law of 1823*, as one in which it was embodied, *and which was also stated at length in the instructions.* In page 5 of the instructions, Mr. V. B. introduces this law, as “ the next material step in the movements of the two governments.” And on account of “ the influence which it had obviously had on the course of affairs, in relation to the trade in question,” he proceeds to state its contents, which he sums up in four particulars, the second of which is as follows : “ 2dly. It put forth a claim *which had been previously advanced by us in our negotiations upon the subject, but always resisted by Great Britain*, viz : that no higher duties should be imposed upon the productions of the United States in the British Colonial ports, than upon those of Great Britain herself, or her other colonies, and *which had been levied for the protection of their own produce.* This was done by giving an authority to the President to suspend the payment of our discriminating duties by British vessels, coming from the colonies, upon being satisfied that no such duties were levied in the colonies on our produce, and by declaring that, until such evidence was given, payment should continue to be exacted.”—[Instructions, p. 6.]

And yet Mr. Webster would really wish the people of the United States to believe, that the instructions were written in utter ignorance of this law, thus spread out upon their face ! Is it possible that *he* has not yet read those instructions ? If he has *not* read them, what is his judgment on them worth ? If he *has* read them, what is the value of his candor ?

## REMARKS OF HON. WM. L. MARCY,

In the U. S. Senate, on the nomination of Mr. Van Buren.

Mr. MARCY said, that he had intimated heretofore, more than once, that it was not his intention to offer to the senate any observations upon the main question now before them. What regarded the public conduct of the present Minister to London, was better understood by other members, and what was to be said in explanation or vindication of it, would be better said and better received from most of them, by reason of their great experience in public affairs, and their particular knowledge of the transactions which have been brought under review in this discussion. He had determined that it would be his duty to trouble the senate with remarks, only in case topics should be introduced into the debate, with which he might well be supposed, from his local situation, to be particularly acquainted.

The occasion which rendered it proper, that he should say something, had arisen in consequence of what had fallen from the hon. senator from Kentucky, (Mr. Clay.) His attack was not confined to the nominee ; it reached the state which he, (Mr. M.) represented in this body. One of the grounds

of opposition to the Minister to London, taken by the senator from Kentucky, was the pernicious system of party politics adopted by the present administration, by which the honors and offices were put up to be scrambled for by partizans, &c. A system which the minister to London, as the senator from Kentucky alleged, had brought here from the state in which he formerly lived, and had for so long a time acted a conspicuous part in its political transactions. I know, sir, said Mr. M., that it is the habit of some gentlemen to speak with censure or reproach of the politics of New-York. Like other states, we have contests, and, as a necessary consequence, triumphs and defeats. The state is large, with great and diversified interests ; in some parts of it, commerce is the object of general pursuit ; in others, manufactures and agriculture are the chief concerns of its citizens. We have men of enterprise and talents, who aspire to public distinction. It is natural to expect from these circumstances and others that might be alluded to, that her politics should excite more interest at home, and attract more attention abroad, than those of many other states in the confederacy.

it may be, sir, that the politicians of New-York are not so fastidious as some gentlemen are as to disclosing the principles on which they act.—They boldly preach what they practise. When they are contending for victory, they avow their intention of enjoying the fruits of it. If they are defeated, they expect to retire from office; if they are successful, they claim, as a matter of right, the advantages of success. They see nothing wrong in the rule, that to the victor belongs the spoils of the enemy.

But if there be any thing wrong in the policy which the senator from Kentucky has so strongly reprobated, he should know that this policy was not confined to the Minister to London and his friends in New-York, but is practised by his [Mr. Clay's] own political friends in that State: he should know that if to one man, more than any other now living, the existence of that policy is to be ascribed, it is to *one* of the Senator's own political friends. The practice of making extensive changes in the offices, on the change of parties in that State, was begun, I believe, before the nominee was upon the political stage; certainly while he was quite a young man, and before he had acquired great consideration in political affairs. I must be permitted, Sir, to say, that of all the party men with whom I have acted, or been particularly acquainted, (and the number of such is not small,) I know of no one who has acted with, or advised to, more moderation than the person whose nomination we are now considering.

When the Senator from Kentucky condemns the present administration for making removals from office, and then ascribes the act to the pernicious system of politics imported from New-York, I fear he does not sufficiently consider the peculiar circumstances under which the present administration came into power. General Jackson did not come in under the same circumstances that Mr. Adams did, or Mr. Monroe, or Mr. Madison. His accession was like that of Mr. Jefferson. He came in, Sir, upon a political revolution. The contest was without a parallel. Much political bitterness was engendered. Criminations and recriminations were made. Slanders of a most extraordinary character flooded the land. When the present Chief Magistrate took upon himself the administration of the Government, he found almost all the offices, from the highest to the lowest, filled by political enemies. That his Cabinet was composed of his friends, no one will complain. The reasons for thus composing it will apply with considerable force to many of the officers under the heads of the several Departments.

If some dismissals of the subordinate officers in those departments were made, it will not be asserted that all opposed to the administration were discharged. I have heard it confidently asserted, by those who I supposed spoke with knowledge on the subject, that many, perhaps a majority of those retained,—and almost all were retained—belong now to the opposition—they are the political supporters of the honorable Senator from Kentucky.

I have good reasons—very good reasons, for believing, that it is the gentleman's rule of conduct, to take care of his friends when he is in power. It requires not the foresight of a prophet, to predict, that if he shall come into power, he will take care of his friends, and if he does, I can assure him, I shall not complain; nor shall I be in the least surprised if he imitates the example which he now so emphatically denounces.

Now I am up, I will offer a few words relative to the much censured instructions to our former Minister to England. I must say, I have discovered in *these* nothing to merit or provoke the harsh strictures

bestowed on them. They do not, in my opinion, furnish a fit occasion for the senator from Kentucky, to impute to Mr. Van Buren, as he has done, with passionate emphasis and frequent reiteration, a charge of falsehood or culpable ignorance. The language which he desired might be taken down, is, "*That Mr. Van Buren stated what was false, or he was culpably ignorant for not knowing that it was false.*" The instructions allege, that those who *first* asserted certain claims to interfere with the regulations of Great Britain, as to the Colonial trade, *abandoned* them, &c. The senator from Kentucky chooses to consider this a declaration, that the late administration *first* asserted the claims, and then abandoned them. If we admit his construction to be the true one, to what does it amount?—He does not deny—indeed it is expressly admitted—that the late administration asserted the claims, and then waived them. What then is the mighty difference between the assertion in the instructions, and the fact as admitted here? We are told that the late administration were not the *first* to assert them—that they were set up under the administration of Mr. Monroe. If this pretended falsehood is of such a flagitious character as has been given to it, it is natural to expect that it would change very essentially the meaning of the sentence. If there be the least error in the instructions, it is in the use of the word *first*; strike out that word and let us see whether the meaning of the sentence is materially changed. Whether the late administration were the *first* to assert the claims, and then gave them up; or asserted them after they had been previously asserted by Mr. Monroe's administration, and then gave them up, is very nearly the same thing. If there was any thing wrong or reprehensible in asserting claims or pretensions, and then giving them up, the censure incurred by the late administration in so doing, is not much mitigated by the circumstance that a preceding administration had asserted similar claims or pretensions. It appears to me that if a course of censure had not been very much wanted, such an one as this would not have been hunted up and put forth so prominently.

The manner in which our late minister to London was instructed to conduct the negotiation, may, for ought I know, be unusual; but it does not appear to me to be censurable. The whole affair presents itself to me as a very plain matter. The British government, by their act of Parliament of 1825, offer to the United States a participation in the trade with her American colonies, on certain conditions, the particulars of which it is not at all necessary now to consider. That administration, for some reason or other,—probably in the hope of getting better—refused the terms offered, and claimed more advantageous ones, as a matter of right; but afterwards, finding, I presume, that better terms could not be obtained, and their claim of right could not be sustained, concluded to take those that were first offered and had been refused. When they proposed to take these terms, the British government told them they were too late, and positively refused to grant what it had before offered. The colonial trade was lost to the country. The late administration attempted to recover it—they made more than one attempt to open a negotiation with the British government, for the purpose of obtaining that trade on the very terms on which it had been offered to and refused by them. This was the situation of affairs when that administration went out of power. The commercial interests of the country required that their successors, who thought the terms offered by the British government should have been accepted,

should make an effort to regain that important trade. As negotiation had been repeatedly and peremptorily refused to the United States, it was necessary to offer some excuse for attempting it again. That excuse was found in the public and notorious fact, that the administration of the affairs of the United States had passed from the hands of those who refused the offered terms, into the hands of those who thought the offered terms ought to have been accepted, and who censured their predecessors for not accepting them. Mr. McLane was instructed to use

this fact to remove any obstacle to opening the negotiation for the recovery of the lost West India trade, in case any obstacle should be interposed on account of the manner in which the late administration had managed this affair. I confess that I cannot see any thing wrong in these much censured instructions. I see no invoking of favors on party considerations—no abandonment of honor or dignity. Gentlemen may call it novel diplomacy; but I call it plain dealing, and the result has shown it was a successful negotiation.

## REMARKS OF HON. S. SMITH,

In the U. S. Senate, on the nomination of Mr. Van Buren.

MR. PRESIDENT—I have said, “that, the secretary of state is not responsible, for instructions given by order of the President;”—that, the President is the only responsible person *known to the Constitution*. In England, agreeably to its constitution, the King can do no wrong, and his advisers are held responsible to parliament. Our constitution is different, as I understand it. The law which created the state department in 1789, is that under which every secretary has acted and must continue to act. This law says, “the secretary for foreign affairs shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him, *by the President* of the United States, (agreeably to the constitution) relative to correspondences, commissions or *instructions* to or with public ministers or consuls from the United States, or to negotiate with public ministers from foreign states or princes, and furthermore, that the said principal officer, (secretary of state) shall conduct the business of the said department, in such manner as the President of the United States, shall from time to time, “*order or instruct.*”

Such, Mr. President, is the law. The secretary can do no act without the *direction* of the President, and whatever he directs, (if agreeably to the constitution) the secretary, under the oath he takes, must perform. What is the oath? “Well and faithfully to execute the *trust* committed to him.” What is that trust? Obedience to the instructions of the President in all cases where the constitution is not to be violated.

I have, Mr. President, been thirty-nine years in congress, and this is the first occasion I have ever heard any other construction *seriously* urged, than “that the instructions given to ministers abroad are the act of the President.” All the instructions I remember commence thus—“I am instructed by the President to give you the following views, &c. &c.” or words to that effect. I well remember a case in point, which transpired while I was in congress more than thirty years past. I was called from my seat by the then secretary of the navy. He asked me what the house of representatives were doing. I replied that they were discussing the report of Mr. Pickering. Do the house consider it as the report of the President or the Secretary of State? It is considered as the act of the President, who sent it, and how could it otherwise be considered? I come, said the Secretary, from Mr. Adams, to request you to say, that he disavows it, and trusts that the house

will consider it as the act of Mr. Pickering, and not as his (Mr. Adams’) act. I returned into the house of representatives, and in the debate, took occasion to comment upon the report, as severely as the report reflected upon Mr. Gerry for remaining in France. I was called to order three times. I then asked the Speaker in what respect I was out of order. He replied, “you must consider the report as the act of the President; for the Executive had made it his by sending it to the house.” I answered, that the President disavowed it, and therefore I could not treat the report as the President’s. I took my seat. An appeal from the Speaker’s decision was had, and the vote of the house sustained the opinion of the Speaker, by a large majority, thus establishing that the President was responsible, and not the Secretary, for acts done under his authority. In the case before us, the President gave his directions; the instructions were put into form by the Secretary; the President read and approved them, and they were delivered to Mr. McLane. How do we know but that the paragraph which has offended the delicate sensibilities of gentlemen, had been actually dictated by the President? I do not think it at all improbable, and if so, is it not an act of gross injustice to make Mr. Van Buren responsible for it? The paragraphs so frequently alluded to in debate, are *substantially true*. I admit, they might as well have been omitted. Some one has said, that he “did not believe that gen. Jackson had ever read the instructions.” Little does that senator know the President, if he believes so. I can assure that senator, that the President read, and carefully too, the instructions to Mr. McLane, and approved them.\* I wish that senator would converse with the President upon any of our national affairs, and he will certainly find that the President is as well, and I might say better informed than himself, on any thing done in any, or all, of the departments, and on all matters

\* Since the above speech was delivered, I have seen and conversed with the President, and have been authorised to say, “that the objectionable paragraphs alluded in the debate, were dictated by him to Mr. Van Buren, that they were his act, and not the act of Mr. Van Buren;” and I have been subsequently informed, by a Senator from Tennessee, that prior to his leaving home, to assume his station in the Senate, the President had told him, that he (Gen. Jackson) would, on all occasions of consequence, require the opinion of his cabinet in writing, thus (as the Senator understood him) dispensing with Cabinet meetings. The fact, then, of not calling his Cabinet together, was the President’s own act, and not in consequence of the advisement of Mr. Van Buren, as has been so repeatedly affirmed.

relating to our foreign affairs. At least I have found him so; in all matters, as well, and in some much better informed than I am. He is known by his friends to be *particularly* well informed, in every thing that relates to our foreign relations.

A Senator from Maine [Mr. Holmes] has said that "Mr. McLane was sent to bow and cringe at the feet of the British Minister." That Senator knows little of Mr. McLane! What! a native American, the son of a distinguished officer of the Revolution, bow and cringe at the feet of any man? I can assure that Senator that Mr. McLane is not made of such pliant materials. No, Sir, Mr. McLane came to the point at once. He asked for *what was right*. He set up no *silly pretensions*. He frankly demanded what his country required. The Ministry tried to avoid a negotiation as they did with Mr. Gallatin. But, Sir, his firmness and frankness conquered the reluctance of the Ministry to enter into a negotiation. He convinced them, that they had departed from a rigid construction of the Act of Parliament of July, 1825, in the cases of France, Russia and Spain; they could not, therefore, in justice, he asserted, refuse a similar departure, in the demand of equal justice to the United States. He frankly told them that he had come for the sole purpose of opening the Colonial trade, and that if not indulged in a negotiation he would return home.—Call you this bowing and cringing at the feet of the British Ministry? Is there any cringing in the despatches of Mr. McLane? No one will say there is. The truth is, Mr. President, and it ought to be known to the people, *that the front of the offence is, the negotiation has completely succeeded under the instructions given by Mr. Van Buren, and as completely failed under those of another*—a crime that never can be forgiven by the opponents of gen. Jackson. They will never pardon him for his succeeding in all the negotiations, in which the preceding administration had completely failed. For instance, the late administration had attempted and failed, in all the following important objects, namely:—In the claims on France:—In the opening of the Black Sea to our commerce:—In making a treaty with Mexico:—In obtaining from Colombia a reduction of the duties on our produce and manufactures, and in equalizing the duties charged upon our trade, with those charged to England. In all these matters, there was a complete failure by the one, and complete success by the other administration. The successful negotiations were under the instructions of Mr. Van Buren. How then can Mr. Van Buren be pardoned by those who had failed? It is true, that the Convention with Denmark and Brazil for seizures, had been closed, or nearly so, when the present administration came into office. Payment by Sweden was effected by Mr. Connell, the agent of the claimants, without *any instructions* having been received by the Charge des Affairs.—The Charge acted, he told me, as a private friend of the agent, and succeeded.

[The Senator from Kentucky, (Mr. Clay,) in a subsequent speech, remarked, that he *had himself instructed* Mr. Hughes, the Charge des Affaires to Sweden, to attend to the claims of our merchants against Sweden, and that the Senator from Maryland, (Mr. Smith,) was either mistaken or misinformed. Mr. Smith made no reply, but addressed a note to the Secretary of State, for information, whether Mr. Clay, when Secretary of State, had ever given the instructions, which he asserted had been given by him to Mr. Hughes. The reply of

the Secretary of State, contradicts the averment of Mr. Clay on this point.]]

The senator from Kentucky (Mr. Clay) has charged Mr. McLane with having done injury to the navigating interest, by the opening of the St. Lawrence, and the northern ports to our free intercourse—thus transferring, as he said, the carrying of the produce of Michigan, Indiana, Ohio, New-York, Vermont and Maine, to British ships, which would otherwise have been carried by our own ships. I believe the farmers of those states do not complain.—They know that their produce, sold in Montreal, is received there free of duty, and is carried to England, Ireland and the West Indies, as if it were the produce of Canada. It is of little importance to them who is the carrier, provided they get an additional market, and a better price for their produce. I regret, Mr. President, that I cannot give the credit of that important act to Mr. McLane. He, however, had nothing to do with it. It formed no part of his arrangement. The opening of that intercourse for certain articles of our produce had been done *gratuitously* by the British government in 1826, prior even to the attempt at negotiation by Mr. Gallatin. Now that act must have been known—it could not fail to have been known to the senator (Mr. Clay) then the Secretary of State. Why, then, does he now charge it as a fault committed by Mr. McLane, who had no more to do with it than the man in the moon? Nor had Mr. McLane any thing to do with the act of Great Britain passed subsequently to the arrangement made by him, by which act other articles of our produce are admitted free of duty into the northern colonies, and thence are received in England and the West Indies, as if they were the produce of the Canadas. The Senator [Mr. Clay] complains that the produce of our farmers, bordering on Canada, is received in England on equal terms with those of Canada, thus giving a new market to a part of these articles, without which other markets might be overstocked.—The Senator [Mr. Clay,] has truly said, that the

(NOTE.) The following letter, and accompanying extract from another letter, on the same subject, have been received from the Secretary of State.

Department of State, }  
Washington, Jan. 30th. 1-32. }

Samuel Smith, esq. Senate of the United States:

Sir:—I have the honor to state, in answer to your enquiry of yesterday, that the records containing the instructions of the Department to Mr. Christopher Hughes, when formerly Charge d'Affaires of the United States in Sweden, have been carefully examined, and that all which is found in them, in relation to the then claims of our citizens upon the government of that country, is given, in the subjoined extract of a letter from Mr. Adams to him, dated the 17th June, 1-19.—I am, Sir, very respectfully, your obedient servant,  
(Signed.) EDWARD LIVINGSTON.

Extract of a letter from Mr. Adams, Secretary of State, to Mr. Hughes, Charge d'Affaires of the United States at Stockholm:—

Department of State, }  
17th June, 1-19. }

"The President has been absent from the seat of government, on a tour to the south and west, since the 30th March. His return to this place, in the course of two or three weeks is expected. Since his departure Mr. Russell's latest correspondence with the Swedish government, on the subject of the Stralsund Claims, has been received, as well as that which followed Mr. Russell's taking leave of the Court. It is painful to perceive the perseverance of the Swedish government, in withholding the indemnity, so justly and indisputably due to our fellow citizens, who suffered by those seizures, for which not even a plausible pretext is alleged. It is still more painful to find this denial of justice, accompanied by insinuations, neither candid nor friendly, and by allegations utterly destitute of foundation. Earnestly desirous of maintaining, with Sweden, the most friendly and harmonious relations, I shall reserve, until after the President's return all further remarks on the subject."

wheat of the States bordering on the Canadas, passes into Canada, is there ground, and the flour shipped to British ports, as if it were the produce of the wheat of Canada. This has been the spontaneous act of Great Britain, adopted for her *own interest*, and is most certainly highly beneficial to our farmers. An immense number of sheep, hogs, horses and cattle are driven annually from Maine to Quebec and New Brunswick. The farmers and graziers of Maine differ in opinion with the Senator from Kentucky, (Mr. Clay,) and are really so simple, as to believe, that their free intercourse with Lower Canada, and New Brunswick is highly beneficial to them. Whether the intercourse with the British North American Colonies be beneficial or whether it be injurious, the present administration, nor Mr. McLane had little part in it. It had been effected, in part, before the arrangement was concluded, and soon after for another part. It formed, as I have previously said, no part of the arrangement with Great Britain, and this fact must have been known by the Senator (Mr. Clay,) for he then acted as Secretary of State. We have for nearly half a century been claiming the free navigation of the St. Lawrence as a natural right. It has at length been gratuitously conceded to us by Great Britain, and now the Senator from Kentucky. (Mr. Clay) complains of it as a *grievance*.

The senator, (Mr. Clay,) also complains that the instructions state, "that the late administrations had *abandoned* certain pretensions." The senator admits that these pretensions had been *waived*. The senator from Georgia, (Mr. Forsyth,) has contended that there is no difference in substance between these words. I leave this grave question to be settled by those learned senators, and will proceed to shew what those pretensions were, and which, I can hardly restrain myself from pronouncing, were puerile in the extreme.

During the session of 1822, Congress was informed, that an act was pending in parliament, for the opening of the colonial ports to the commerce of the United States. In consequence, an act passed, authorising the President, in case the act of Parliament was satisfactory to him, to open the ports of the United States to British vessels, by his proclamation. The act of parliament was deemed satisfactory, and a proclamation was accordingly issued, and the trade commenced. Unfortunately for our commerce, and I think contrary to justice, a treasury circular issued, directing the collectors to charge British vessels entering our ports, with the alien tonnage and discriminating duties. This order was remonstrated against, (I think,) by Mr. Vaughan. The trade, however, went on uninterrupted. Congress met, and a bill was drafted in 1823, by Mr. Adams, then secretary of State, and passed both Houses, with little, if any debate. I voted for it, believing that it met, in a spirit of reciprocity, the act of parliament. This bill contained, however, one little word, "elsewhere," which completely defeated all our expectations. It was noticed by no one. The senator from Massachusetts, (Mr. Webster,) may have understood its effect. If he did so understand it, he was silent. The effect of that word "elsewhere" was to assume the pretensions alluded to in the instructions. What were they? "That the produce of the United States should be received in the West Indies, on the payment of the same duties, as were payable on the produce of the North American colonies." The British Minister said, "as well might we ask that our sugar should be received free of duty, as is the sugar of Louisiana."

The result was, that the British Government shut

their colonial ports immediately, and thenceforward. The act of 1822, gave us a monopoly of the West India Trade. It admitted free of duty, a variety of articles, such as indian corn, oats, indian meal, peas, beans, &c. &c.

The British government thought, that we entertained a belief, that they could not do without our produce and by their acts of 27th June, and 5th of July, 1825, they opened their ports to all the world, on terms far less advantageous to the United States, than those of the act of 1822; and these are the pretensions which the instructions say had been *abandoned*, by the late administration. They were abandoned, Mr. President, by the following words in the instructions to Mr. Gallatin—"That the United States consent to *waive* the demand which they have heretofore made of the admission of their productions into British Colonies, at the same and no higher rate of duty, as similar articles are chargeable with, when imported from one into another British colony, with the exception of our produce descending the St. Lawrence and the Sorel." Now, sir, whatever difference there may be between the words '*waive*' and '*abandonment*' in common parlance, it is in this case, a *complete abandonment* in diplomatic language. What in simple truth, is after all, the great ground of objection? It is this—*Mr. McLane has made an arrangement conformably to the preceding instructions from Mr. Adams to Mr. Gallatin. Hinc ille lacrymæ.*

The dissolution of the late cabinet Mr. President, has been charged upon Mr. Van Buren; *and what is there at home or abroad that we have not heard charged to him?* The elder Adams changed all his cabinet, except the Secretary of the Navy. The change was approved by the democratic party, and disapproved by the Aristocracy of the day. A change of the cabinet is, therefore, nothing new. We now grieve and lament over the late change, and yet never was a cabinet more traduced than the late one, by the whole of the opposition throughout the Union. The cabinet certainly was such an one, as did not meet the views or approbation of the friends of the administration. They regretted in silence the selections which the President had made. The gentlemen selected were honest and honorable men. They were my political friends, and I may say, some of them were personal intimates. Their dismissal has done no harm to the nation. The new cabinet is (I believe) more acceptable to all parties. The members of it are known to be competent to the special duties of their several departments, and equally so, as advisers in the great affairs of the nation. What is it to the people whether A., B., C., or D., be at the head of affairs? All the people ask, is, that *their duties shall be well performed*, and that they act in harmony. But the present President has held no cabinet councils for two years, and Mr. Van Buren is charged as being the adviser of the President to that course—is this mode new? I believe not—I think General Washington held no cabinet council, during the first two years of his administration, and I remember well, a discussion in strong terms, against the President's holding them, on the ground of their being unconstitutional. I think that General Jackson was at that time a member of congress, and perhaps he then imbibed the opinion, that cabinet councils were not conformable to the constitution. Reasoning thus, I must believe, that the not assembling his cabinet was *his own act*, and not in consequence of the representations of Mr. Van Buren. The unpardonable crime of this gentleman has always been, that the President has great confidence in his talents and abilities, which

all will admit, he possesses in an eminent degree.

The senator from Massachusetts, (Mr. Webster,) says that "instructions showing a difference of opinion in the dominant party, with that of the defeated party, had never been given by any government." I ask, Mr. President, on what ground does the senator make that assertion? Few nations, if any, except our own, have ever published the instructions to their Ministers—we, therefore, cannot know what has been done. But, I hardly think it possible that such instructions never have been given. They are natural, and were for Mr. McLane alone, and never shewn by him to any person. But, I infer from Mr. Hartley's language to our commissioners at Paris, when treating for a peace, that he must have had some such instructions, as he would not otherwise have talked of a change of ministry, as holding out a fairer prospect of ultimately leading to a general peace.

Mr. Van Buren has also been charged, with being the father of what has been improperly called the "proscriptive system;"—or in other, and more appropriate language, "the removal from office."—Where is the proof? None can be produced:—all is surmise and conjecture. I act on no such ground. When an assertion, such as this, is made, I want proof of its being well founded. But I absolutely deny the charge, and will offer unquestionable proof of the correctness of the denial. The charge cannot possibly be substantiated, unless the senator who made it, can satisfy this senate, that Mr. Van Buren could be at Albany and Washington at one and the same time. I will simply state the facts. Mr. Van Buren was at Albany acting as governor of the state of New York when the extra session of the Senate met on the 4th March, 1829. I think he, (Mr. V. B.) was nominated on the 5th of March. At this extra session of the Senate, seventy-five officers were appointed, principally to fill vacancies occasioned by removals from office. Of these officers Mr. Van Buren could know nothing. The advisers to this course, if there were any, were the members of the cabinet then present. Mr. Van Buren could know but few of those removed, or of those appointed. I well remember that I saw Mr. Van Buren in Baltimore after my return home, and therefore conclude that it must have been at least a month between the time of his appointment, and his arrival at Washington. I think, Mr. President, that I have proved that Mr. Van Buren could not have been the father of what is improperly called the "proscriptive system;"—a system adopted by some of the States of this Union both before, and after this administration came into office. For myself, I am opposed to removal from office for opinions declared. But, sir, I would remove any officer, who made use of his office to force inferiors to

act contrary to their wishes. I would remove every Postmaster, who had been known to frank the "Coffin-handbills," or any other abusive papers of either of the candidates. Few removals of consequence have been made in Maryland. I think four in Baltimore, where the most important offices are.—One of these removals I regretted—it proceeded from the best feelings of the heart.

Before I finish my remarks, Mr. President, I will notice what passed between the then Secretary of State, (Mr. Clay) and myself, in relation to the act of Parliament of July 1825. I first saw a copy of that act in Baltimore, and mentioned it to the Secretary. He said that he had the act in his possession, and handed it to me. I asked him, whether the terms proposed were satisfactory? He said that he considered they were all we could ask. I then observed, why not issue a proclamation under our acts, and thus open the trade? He replied, that he would prefer negotiation. I asked, why? for what will you negotiate? We have nothing to do, but to give our assent, and the trade is at once opened. I had the act printed, and handed a copy to Mr. Adams, who had never seen it before. He agreed that the terms were satisfactory. I then pressed him to issue his proclamation, and told him that if he did not, I should be compelled to introduce a bill. He remarked, that he wished I would do so, and that he would not only sign it, but sign it with pleasure. I did prepare a bill, under the order of the Senate, and, doubtful whether it might be correctly drawn, so as to effect my object, I sent it to the then Secretary of State (Mr. Clay,) with a request that he would correct it if necessary. He replied in writing, to this effect:—"that the bill was drafted to meet my object, that it was so doubtful whether it were best, to act by a law, or by negotiation, that it was indifferent which course was adopted."—The bill was opposed by Mr. Lloyd, who, it was believed, had the confidence of the executive. It failed to become a law, I believe, from want of time to act upon it. The Senator, (Mr. Clay,) has said, Mr. Canning had observed, that even if the bill had passed, it could not have been admitted as satisfactory. This observation may have arisen from its being imperfectly drawn, or from some other cause.—Perhaps the British Minister expected that the President would have opened our ports by proclamation, as he (Mr. Canning,) knew, that the President possessed full power to do so, under our acts of 1823 and 1824, both of which he knew, had been drafted by Mr. Adams when Secretary of State.

I have deemed it necessary, Mr. President, to make these remarks in relation to the Colonial trade, as a reply to the observations on this subject which have fallen from the Senator from Kentucky, (Mr. Clay.)

## REMARKS OF Hon. JOHN FORSYTH,

In the U. S. Senate, on the nomination of Mr. Van Buren.

[Mr. Forsyth makes no apology for the rough sketch he presents of the remarks made by him in the secret sessions of the senate, on the nomination of Mr. Van Buren. The speeches against the nomination having been, for the first time in the history of this government, thrown upon the people, it is due to the person assailed, that what was suggested on the other side should be known. Mr. Forsyth is well aware that, in executing his part of this duty, he has done justice neither to the subject nor to himself.]

I regret, Mr. President, that the senator from Mississippi, (Mr. Poindexter,) has been so long absent from his seat, not only because he has been suffering pain, but because had he been here, he could have escaped the commission of numerous errors into which he has been led. The friends of Mr. Van Buren have not obstructed inquiry into his conduct: they have challenged investigation, offered it in every and any form consistent with the obligations of the senate to its own character. The senator from Maine, (Mr. Holmes) shrunk from his own resolution. It was laid aside by the votes of those opposed, contrary to the votes and wishes of those friendly to the nomination. That Senator was distinctly invited by one of the Senators from New-York, [Mr. Marcy,] to specify any act dishonorable to the character of Mr. Van Buren, and a pledge given that the inquiry into it should be made in the amplest manner by a committee having all the powers necessary to the establishment of truth.—The Senator from Maine was distinctly told by the Senator from South Carolina, [Mr. Hayne,] on what terms he could command his vote. He was told to cover the ground indicated, by proof, and he would join in the condemnation of the choice of the President. The Senator from Maine deliberated on this offer, and, after deliberation, abandoned his resolution, leaving all to grope their way to a conclusion, as accident or prejudice might direct them. A promise was made, that he should have a committee if he would venture upon it, and the offer was deliberately and most unequivocally declined. Yet, after all this, at this eleventh hour, the Senator from Mississippi says, if the friends of Mr. Van Buren will solicit a committee, he will give us what he has collected, while confined to his sick chamber, and on which his own opinion is formed, and if the committee is not raised, he will, with this matter in his pocket, vote against the nomination, in order to preserve the morality of the nation, endangered by the bestowal of a new office on a *gambling* politician.

As the friend, personal and political, of Mr. Van Buren, I reject the *liberal offer* of the Senator, in defiance of his threatened negative on the nomination. Let him unite with those who, like him, are so anxious to preserve the morality of the country by rejecting a man whose most odious crime is his rising popularity and transcendent ability. The friends of Mr. Van Buren will not degrade him by asking a Committee, to free him from the suspicions engendered in the Senator's mind, in his search after correct information, from sources within his reach. His character wants no such justification. Does the gentleman wish to justify his vote? Let him pro-

pose a Committee; he shall have our concurrence. Does he desire to convince the Senate? Let him produce the private source. Information which, I venture to say, like the only one he speaks of *openly*, is worthless in the eye of any man who is not so embittered by prejudice that he can not see truth. This letter, by a former partizan, a paltry editor of a paltry newspaper, and to prove what? that Mr. Van Buren said that the late Cabinet was dissolved by the conspiracy of the Vice President, to drive Maj. Eaton from the Cabinet, and that he withdrew to escape the consequences of the dissolution. Sir, Mr. Van Buren holds no such conversation with persons who were *once his partizans*, and now his enemies.

But supposing he had declared, or does entertain, the opinion imputed to him. Is it a crime which disqualifies him for a high office, that he believes the charge made and sought to be established by the late Secretary of War? If such be the Senator's opinion, can he tell us how far the exclusion extends? The Senator's letter story is contradicted by his previously expressed opinion. What, Sir, the most artful man in the world, proclaim to a paltry editor that he acted in the manner indicated, to *escape the storm* consequent on the dissolution of the Cabinet! If it had been true—if such had been his motive, he would have sought to conceal it from himself. No degree of confidential intimacy could have tempted an artful intriguer to such a disclosure. The story if true, proves a man, whose extraordinary prudence, under all circumstances, through a long life in the stormy politics of a vexed and turbulent State, has gained him the confidence of his friends, and called down upon him the charge of consummate artifice from his enemies, to be a silly driveller,—a simpleton, opening his budget of petty motives to one whose trade was to thrive, by making himself important by confidential and oracular disclosures in his unknown journal.

Mr. Van Buren stands in a strange condition before us; from the beginning of this administration, before he came to the post assigned him, until the present hour, he is held accountable by a certain description of political men in this country for all the evil that has been done and all the good that has been omitted. Now, sir, if he is accountable for every thing, if his hand is to be traced every where, let him have credit for the good that has, and the evil that has not, been done. Balance the account of the admitted good and evil imputed, and the result will fill the hearts of his enemies with the bitterest disappointment. But, sir, this is not the justice intended for him. He is responsible for all that is complained of. Let us see the senator from Mississippi (Mr. Poindexter's) catalogue. There were no Cabinet Councils—did the country suffer from this failure to follow the example of late administrations, from this adherence to the example of General Washington? But there was *one Cabinet Council* called to set on a lady's reputation. Indeed! and this Mr. Van Buren is also answerable for. And is it true, sir, that the honorable members of the late cabinet, who remained so tranquilly at their posts enjoying all their emoluments and honors with be-

coming gratification, suffered themselves to be deprived of their accustomed rights of a seat and voice at the Council Board of deliberations on great matters of vital interest to the public, and yet obeyed the beck and call of Mr. Van Buren, to set upon a lady's reputation! Of what stuff were they made, that they did not distinctly ascertain if this restriction of claimed right, and this insulting call upon them to step out of their appropriate spheres was the work of Mr. Van Buren or the act of the President. If the first, why did they not demand his dismissal, and, if refused, indignantly throw their commissions in the teeth of the Chief Magistrate. The omitted Cabinet Councils, and the single call, were no such dreadful offences until obliged to follow Mr. Van Buren's example and resign. The history of the last year establishes the wisdom of the President in calling no Cabinet Council to deliberate, as there could have been no harmony in their consultations, and on the single question said to have been submitted, the Executive Cabinet have shown themselves incompetent to decide. He is not competent to decide on a Lady's reputation, who throws out of view on the question of how she should be treated, her *guilt or innocence*. I will not condescend further to refer to the trash with which the public press has been loaded and polluted for months, and unless the senator from Mississippi has better evidence than the public has yet seen, the hope of implicating Mr. Van Buren in the disturbances that preceded the dissolution of the Cabinet, is forlorn.

Let us see the next crime in the catalogue of the senator from Mississippi (Mr. Poindexter). Mr. Van Buren intrigued the dissolution of the late cabinet, taking care previously to secure a safe and prominent retreat in the mission to England. It is known to every well informed man in this district that Mr. Van Buren, by his admirable temper, his conciliating manners and unwearied exertions, kept the cabinet together long after its discordant materials were so well ascertained that its dissolution sooner or later was a matter of common speculation. Sir, nobody doubted that the parties could not get on together, and the only surprise was, that the President did not proceed to restore harmony by the removal of those whose disagreements produced the discord. But Mr. Van Buren had the unparalleled effrontery to resign on motives of delicacy and disinterestedness, and as this mode of conduct was so unusual, it has excited a vast deal of surmise and wonder. The senator from Mississippi (Mr. P.) has however, satisfactorily to himself, solved the mystery. Mr. Van Buren arranged himself into a prominent place, *before he resigned*, and a new cabinet to suit his ambitious views. Now, sir, as to the proof of this preconcerted arrangement for his accommodation and elevation. The President told somebody, who was a late secretary, that Mr. Van Buren was to go to England, and named to him the secretaries, who were to come in: but this was *after* Mr. Van Buren had resigned. In the interview it is acknowledged that Mr. Van Buren's letter of resignation was handed to this volunteer repeater of confidential conversation with the Chief Magistrate.—But the senator says it was *before the letter was published*—thence he concludes Mr. V. B. had made a cat's paw of the President for the promotion of his own views: a most logical inference, truly! And this new cabinet arranged to further Mr. V. B.'s unholy ambition! Is there man, woman or child in the country, who does not know and feel that the change has been beneficial to the public, that there is now more strength, more virtue, and more harmony than there was before? Is there any

man who will hazard his reputation, by asserting that the present secretaries are capable of being made the instruments of any man's ambition, or so subject to the bias of individual influence, as the late? Partisans are not substituted for pure, disinterested patriots: and let me say, sir, that more partisans have gone out than have come in.

But this mission to England was not sought by Mr. Van Buren: his friends knew that it was pressed on him by the President, and that it was reluctantly accepted at the earnest solicitations of friends who were satisfied it would promote his own reputation, and redound to the honor and welfare of the nation. I will not follow further the senator's lead. Long known to me as a politician and as a man, acting together in the hour of political adversity, when we had lost all but our honor—a witness of his movements when elevated to power, and in the possession of the confidence of the Chief Magistrate, and of the great majority of the people, I have never witnessed aught in Mr. Van Buren which requires concealment, palliation or coloring—never any thing to lessen his character as a patriot and as a man—nothing which he might not desire to see exposed to the scrutiny of every member of this body, with the calm confidence of unsullied integrity. He is called an artful man—a giant of artifice—a wily magician. From whom does he receive these opprobrious names? From open enemies and pretended friends. In the midst of all the charges that have been brought against him, in shapes more varying than those of Proteus, and thick as the autumnal leaves that strew the vale of Valambrosa, where is the false friend or malignant enemy that has fixed upon him one dishonorable or degrading act? If innocent of artifice, if governed by a high sense of honor, and regulating his conduct by elevated principles, this is not wonderful; but, if the result of skill, of the *ars celere artem*, he must be more cunning than the Devil himself, to have thus avoided the snares of enemies and the treachery of pretended friends.

It is not possible, sir, that he should have escaped, had he been otherwise than pure. Those ignorant of his unrivalled knowledge of human character, his power of penetrating into the designs, and defeating the purposes of his adversaries, seeing his rapid advance to public honors, and popular confidence, impute to art what is the natural result of those simple causes. Extraordinary talent, untiring industry, incessant vigilance, the happiest temper, which success cannot corrupt nor disappointment sour; these are the sources of his unexampled success,—the magic arts—the artifices of intrigue, to which only he has resorted in his eventful life. Those who envy his success, may learn wisdom from his example.

Having disposed of the catalogue of the Senator from Mississippi, let me advert to the grounds occupied by a little army of objections on the other side of this chamber:—How many sacrifices of feeling to duty, are we not about to witness! the honorable Senators of Maryland, Connecticut, Delaware, Massachusetts, Ohio and Kentucky, are constrained by duty to vote against his nomination—and *all*, on public grounds—no private feeling: Oh no! nothing like it; public duty against private feeling, is the order of the day. And what is the dreadful public crime Mr. Van Buren has committed? Hear, —Sir, hear. He has degraded the country by giving instructions to the late Minister to Great Britain, Mr. McLane, about the West India trade. What instructions? Can it be those on which the act of 1830 passed—those which have been among our printed documents for these twelve months, forming

part of the President's communication to Congress of Jan. 1831. Have those honorable gentlemen who are now so shocked at the public degradation, so eager to punish the author of this national disgrace, been sleeping at their posts—no one to cry out, to ring the alarm, at the dangers to which the public honor was exposed—no one to interfere to prevent the United States from being placed at the foot-stool of the British throne? Quietly witnessing the consummation of the crime, passing an act with their knowledge of these instructions, to secure *the boon*, which they *now* see was begged in the name of party from the British crown; we are now electrified by bursts of indignation at this first act of degradation in the history of American Diplomacy!

What a spectacle is here!—How long is it since he who was the instrument to bow us down before Great Britain, was unanimously confirmed to a post of honor and important trust? But the instrument by whom he was ordered to act, is to bear the punishment. The author of the instructions, he by whom they were given, is too high to be reached at present; the author of the crime, he who ordered it, escapes—he who commits it, by order, goes free; he who conveys the order, answers for both, and upon his head falls all the indignation of these incensed Senators, acting upon public grounds, and reluctantly performing a PAINFUL—PAINFUL—duty!!!

Well, sir, to this degradation. It is found in the instructions to Mr. McLane; and to make out their case, the honorable senators from Massachusetts and Kentucky, have given us a sketch of the history of the West India negotiation. Both brought down their narratives to the taunting reply of Mr. Canning to Mr. Gallatin, given during the late administration. From this point, both these honorable senators found it convenient to slide—no, sir, to leap, over all intervening events to the instructions to Mr. McLane. With permission, I will fill up this little *unimportant* chasm. The terms of the British act of Parliament not having been accepted by the United States, American vessels were excluded, by an order in council, from the British West India ports. Why this important interest was neglected, we have been just told by the senator from Kentucky: "the late administration were ignorant of the act of parliament until it was casually seen by them." "It was not officially communicated by the English government to our government." "Even when we were colonies, we were not bound by British acts of parliament, unless specially named in them." Indeed: is it possible that the late administration did not know an act of parliament affecting important interests? Where were all our accredited ministers and commercial agents in Great Britain, that this government was not informed of this measure, known to all Europe, and taken advantage of by most of the powers interested in it. But it was not officially communicated to us. Well, sir, was it officially communicated to any other government, interested in its contents as we were? The British government, I apprehend, would have considered such a communication a gross reflection upon our accredited agents. It would have compelled them to say, in effect, we communicate to you an act, supposing your agents are too negligent of their duty to send it to you. What were our ministers and agents about; how were they employed, that they did not send to their government this important information?

But the last excuse is worse than all; 'even when colonies, we were not bound by acts of Parliament in which we were not named specially.' What a

discovery! and it is concluded from this wise recollection, that we are not *now bound* to take notice of acts of Parliament not *specially* and *officially communicated to us*. I imagine we are not bound by them, communicated to us or not, but we are bound to know all those touching our interests, and any administration is severely reprehensible for ignorance of them, and for failing to attend to those that bear injuriously upon the interests of the people. The act was, however, at last known, and when Mr. Gallatin presented himself to negotiate, with instructions to waive all claims that were formerly presented, and had prevented an arrangement, he was tauntingly told, you have lost your day in court—the privilege, *the boon*, offered, had not been secured by accepting the conditions: we have taken our course, negotiation is not our plan. Well, sir, what said the administration, of which the honorable senator from Kentucky formed a part? There was an act of Congress, requiring, on the shutting of the British West India ports against us, an interdict by proclamation. Smarting under this taunting refusal to negotiate, what was done? the execution of an act of Congress positively directing the proclamation, was suspended by executive authority for two months before the meeting of Congress and during the whole succeeding session, to see if Congress, who had been prevented the preceding session from legislating—the administration preferring the eclat of a negotiation—could not legislate the executive out of the difficulty into which he had placed the country by negligence, or, if the senator from Kentucky pleases, ignorance of the act of Parliament. We all know how that effort terminated. The two Houses disagreed about the mode of effecting the purpose; both, however, willing to take the privilege on the conditions proposed by Great Britain. The Senate passed a bill—the House, under the influence of the senator from Massachusetts, amended it, and the question was, whether one or the other oblique path should be trodden. The session terminated without legislative enactment, and then, and not till then, the proclamation of interdiction was issued. Thus, sir, smarting under the taunt of the British minister, our administration left the whole trade in the hands of Great Britain for six or eight months—sought to cover itself from censure by invoking legislative interposition, and then, was compelled to act on the suspended statute.

The interdict being proclaimed, the trade stood upon the very advantageous footing, according to the senator's judgment, which we have lost by the negotiation. Notwithstanding we were *enjoying* such *eminent advantages*, the late administration, in spite of the taunt, directed Mr. Gallatin to try again to procure what is now disparaged, by opening the door of negotiation after it had been shut in his face. He was again repulsed. But this humiliation was not enough; Mr. Barbour was sent to London, and he too had his instructions, and went, cap in hand, knocking at the closed door for negotiation. Sir, he knocked at the door of the British Ministry, under circumstances humiliating in the extreme. If a gentleman should go a second time to a house, the proprietor of which, speaking from his window, had directed his porter to deny him to the visiter, his visit would have been somewhat like Mr. Barbour's second call. Yes, sir; yet the humiliation was vain—the second as fruitless as the first.

Such was the condition of this question when gen Jackson was placed at the head of the country. One of the first objects of his administration was the recovery of the British West India Trade; an arrange-

ment of it upon terms of just reciprocity, satisfactory to both parties, and therefore, promising to be permanent. Mr. McLane was selected to go to England, and these much abused instructions prepared by the late Secretary of State. Let it be remembered, sir, these are instructions from the President of the United States, to the American Minister, never intended for the eye of the British government, and which in no other country but ours, would ever have seen the light.

The opening of this negotiation was the chief difficulty. To remove it, two grounds are taken. It will be remembered that our refusal to accede to the terms of the act of parliament, was made the ground of refusing to treat with Mr. Gallatin and Mr. Barbour, both of whom went prepared to offer an arrangement by reciprocal legislation; taking the act of parliament as the British legislation. To obviate the difficulty, after a fair and full history of the transaction, these suggestions are presented to Mr. McLane to be pressed so far as *he might deem it useful and proper so to do*. If the British persist in refusing to hear you, on this subject, remind them of the circumstances that have occurred; of the difference of opinion among ourselves on it; of the abandonment by the administration of those pretences that had prevented an adjustment of it; that they are not to be again brought forward; that the past administration was not amenable to the British government, nor to any other, than the people of the United States, who had passed upon all their acts. Say to the British, if it makes pretensions formerly advanced the pretext for still declining to negotiate, the sensibility of the American people will be deeply awakened. That the tone of public feeling by a course so unwise and untenable, will be aggravated by the known fact that Great Britain had opened her colonial ports to Russia and France, notwithstanding a similar omission on their parts to accede in time, to the terms offered by the act of parliament. And this, sir, is represented as the language of entreaty, as the begging of a boon. This menace of the public indignation; this declaration that the late administration was neither to be censured or praised by foreign nations; was amenable for their conduct to no earthly tribunal but the people of the U. States, is tortured into a claim of privileges, on party grounds for party purposes, and as a disgraceful attempt to throw upon a previous administration unmerited disgrace, for the sake of currying favor with a foreign power, and that power of all others Great Britain.

Great Britain could not resist this frank and open and manly appeal. Committed by their concession in favor of France and Russia, and the ministry distinctly told by Mr. McLane that he would not remain if they declined negotiation, or placed their refusal upon any other ground than an open declaration that their interests could not permit them to enter into a reciprocal engagement with the United States, the English cabinet reluctantly yielded; and then came the most odious feature in this transaction, that which has sharpened the intellect of the opposition, to discover dishonor in truth, and a want of dignity in a frank exposition of facts, *its crowning success*. Mr. McLane and Mr. Van Buren, under gen. Jackson, succeeded in effecting an object of public solicitude, that Mr. Adams and Mr. Clay and Mr. Gallatin and Mr. Barbour could not obtain. The country was humiliated by the preceding administration without success; hence the charge against Mr. Van Buren; hence, the overwhelming anxiety to prove, that the success of the late negotiation has been purchased by humiliation. The British cabinet desired not to make the arrangement, it interfered with

great local interests, and if they could, without a manifest and unjust distinction to our prejudice, they would have declined admitting the U. States to the privileges granted to the other maritime powers.

Not satisfied with his condemnation of Mr. Van Buren's instructions, the Senator from Kentucky attempts to show us, by referring to another letter of instructions, how this affair should have been conducted consistently with his ideas of national honor and dignity. The letter from which he has read to the Senate extracts, is, I think, signed H. Clay. Will the Senator tell us who is responsible for it? If he is, then he exhibits himself in the singular position of a man triumphantly contrasting the work of his own hand, with that of a rival author. The Senator knows that there were two other instructions, written by himself, of a subsequent date, one to Mr. Gallatin after Congress failed to legislate, and another to Gov. Barbour, neither of which is before us, therefore, not to be contrasted with Mr. Van Buren's work. I am content to abide by the result of a contrast of the instructions he has condemned, with those he has quoted. Let us see how the gentleman's letter will bear the test of examination. Mr. Gallatin, he says, was not instructed to abandon a right; we were to be at liberty at a more convenient season to resume it. Mr. Gallatin was to give a strong proof of our desire to conciliate by a temporary concession of what we had previously claimed throughout the whole negotiation. Was Mr. Gallatin instructed to say to the British Government, this is a *temporary concession*? No, sir, he was authorised to waive the claim, and make an arrangement on the British basis. Put this into plain language, and what was it; strip of its diplomatic drapery and verbiage, and it is neither more nor less than an abandonment of a pretension which, though we had supported by argument, we were resolved not to enforce by power. Sir, this covering up of a plain truth is the common trick of diplomacy; it deceives no one, and had Mr. Gallatin presented these conciliatory concessions, they must have been received as a virtual and total abandonment of our pretension. The honeyed words of right waived from a conciliatory spirit, and with the hope of corresponding friendly dispositions, would have been received with a sneer, lurking in the official—artificial smile of a—thoroughbred diplomatist. The Senator insists, however, it was a right and not a pretension. If it was a right why was it waived or surrendered? For conciliation sake? Why, sir, we were the offended party. England had taunted us. England had refused, once, twice, thrice, to negotiate, and yet to conciliate England, we were waiving a well grounded right! For what purpose were we thus conciliating? To place the trade on its present footing, to the great injury of the navigation and commerce of the United States. Such is the view now taken by several honorable Senators who have favored us with their opinion on this subject.

The present administration waived no right for conciliation sake; sacrificed no principle. It stood upon the truth, and truth only; and whatever may be the custom of others, and the ordinary usages of diplomacy, the administration was right. Nations fold themselves in the robes of falsehood, and swell and strut, in vain—to preserve an air of dignity and decorum. No nation ever was just to its own character, or preserved its dignity, that did not stand at all times before the world, in the sober and simple garb of truth. Sir, the character of our diplomacy has undergone a marked change; we are no longer pretenders to skill and artifice; all our wiles are facts

and reasons—all our artifice, truth and justice. The honorable senator tells us that this instruction is false, or else it proves Mr. V. B. to have been criminally ignorant of what it was his duty to know.—How does he make this appear? he alleges that Mr. V. B. charged the late administration with being *the first* to advance the pretension it subsequently abandoned—and this he declares is untrue, the pretension was set up before the late administration came into power. Now, sir, as I read this paragraph, Mr. V. B. does not charge the late administration with being the first to advance this pretension. The senator will recollect this is a letter to Mr. McLane, whose personal knowledge is appealed to, and who must have understood the writer as alluding to a fact of general notoriety. The words are “*those who first advanced, &c.*” have subsequently abandoned. Can any man mistake the meaning—the meaning perfectly in accordance with the fact? The pretension was advanced by the use of the fa-

mous *elsewhere* in our act of congress, an act known to have been penned by Mr. Adams, who had previously occupied the ground covered by it, in his instructions to Mr. Rush. It was Mr. Adams who first advanced and abandoned this ground. The credit or the odium, which ever term belongs in justice to the act, attaches to Mr. Adams, and so Mr. McL. could only have understood it, and so must the senator from Kentucky, if he examines with a desire to understand it in the spirit of the author.

There are considerations connected with Mr. V. B. if I deemed it consistent with his honor, that I could present to those that hear me, that would not fail to make a deep impression upon their minds. But I ask no remembrance of *his forbearance*, no recollection of *his magnanimity*; I appeal to no one to imitate *his mildness and courtesy and kindness* in his deportment here, nor to judge *him* as he judged *his rivals* for fame and power. I demand for him, nothing but justice—harsh—harsh justice.

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### Extract from Mr. CLAY'S second speech.

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The gentleman from New-York, (Mr. Marcy,) supposes, in adverting to the practice of proscription, which I understood prevailed in the dominant party in his state, that I had reflected upon the character of that State; and he alleges that the practice has existed for 30 years, with every dominant party, and was rigorously exercised many years ago, by my friends. Nothing was further from my intention than to reflect in the smallest degree upon that powerful and respectable State. On the contrary, I honor and admire it for its noble institutions, its splendid public works, and its enterprize and intelligence. But I must pronounce my abhorrence of the practice to which I allude, no matter with whom it originated, whether friend or foe, or by whom it may be continued. It has been carried by the present administration to a most odious extent in Kentucky. Almost every official incumbent who voted against the present Chief Magistrate and who was within

the Executive reach, has been hurled from office; whilst those who voted for him have been retained, no matter how long they had been in their stations. It is not practised in Kentucky by the State government, when in the hands of the opposition to this administration. Very lately, Gov. Metcalfe has appointed to one of the three highest judicial stations in the State, a supporter of this administration.—The gentleman appointed is a nephew of the gentleman from Maryland, (Gen. Smith,) and although highly respectable and eminent in his profession, he is not more so than twenty other lawyers in the State belonging to the opposite party. The governor also renewed the appointment, or commissioned several gentlemen opposed to him in politics, as attorneys for the commonwealth. And recently the legislature appointed a president of one of the banks from the ranks of the friends of this administration, and several other officers.

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### Mr. MARCY'S remarks in reply to Mr. Clay.

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Mr. President, I will trouble the Senate with a few words in answer to what has just fallen from the honorable Senator from Kentucky. He did not intend, he assures us, to apply his animadversions to the whole State of New-York, but only to the dominant party there—the political friends of the Minister to London (Mr. Van Buren.) But, sir, the state of facts relative to the conduct of parties in that state, will not allow of such a restricted application. If there has been any thing censurable in that respect, the honorable Senator's own political friends must come in for a full share: if any distinction is to be made, it cannot be in favor of those whose good opinion he enjoys. A recurrence to facts will show, that proscription—if it is so to be called—enters more deeply into their practice when they get power, than it does into the practice of those who are selected as the particular objects of attack. I could refer to recent instances to verify the assertion. Give them success only in a single city, and the work of removal from office at once begins.—They leave very few “spared monuments;” almost all are swept off—from the highest to the lowest—down even to the lamp-lighters. The truth is, sir,

the political friends of the senator from Kentucky are not converts to the liberal doctrines he has avowed on this occasion. If they have ever heard of them, they heed them not.

After all, Mr. President, it is quite evident, from what we have heard, in relation to the conduct of parties in Maryland and elsewhere, that New York does not differ from other states. Political men in all of them have the same passions, and are actuated by like motives, and only differ in conduct by reason of some difference in their circumstances.—Where there is alternation of success and defeat, there will be removals—called restoration or retaliation by those who use power, and proscription by those who feel it.

If the honorable senator understood me to speak of only one office-holder—a single spared monument, as he called it—friendly to the late administration, being retained in N. York, he has misapprehended me. The number of changes made in that state is small—and I can assure him, that notwithstanding the ferocious and proscribing policy ascribed to us, he has many friends now enjoying offices under both the General and State Governments; more than that, sir,

Mr. Van Buren has been censured by some of his own political friends, for having counteracted, as they suppose, the efforts which have been made, in some instances, to effect changes.

So far as my observation has extended, I can discover no sort of resemblance between the actual condition of office holders opposed to the administration, and that which has been described. They were portrayed as a class of men in the most abject state of fear and trembling, not daring to speak but in whispers on public affairs, and even under restraints in their social intercourse. They may present themselves or be presented in this light to the honorable senator, but I am sure they are not so presented to others, for that is not their true condition. Their political predilections and sentiments are not restrained by fear or expressed in whispers—their opposition is open and active and sometimes noisy, and yet they remain in undisturbed possession of their offices.

I must again allude to the grounds of the removal of some subordinate officers by the present administration, in order that it may be understood upon what principle the act is vindicated, and to repel the charge of wanton proscription. The necessities of the late administration were such that it compelled these officers to become partisans in the struggle. Many of them mingled in the hottest of the fight; they were paragraph writers for the newspapers, and the distributors of political handbills; and thereby exposed themselves to the vicissitude to which those are always exposed for whom the political contests in free governments are waged. If among this class of officers there was more mortality attendant upon the late conflict, it was because there was more disease.

The senator from Kentucky has denounced removals from office as a violation of the freedom of opinion, and the liberty of speech and action. He advocates a course of conduct towards political opponents, characterized by great moderation and forbearance, and what is much more, he professes to have conformed his actions to his precepts. We all of us, I believe, admire these liberal sentiments, and feel disposed in our abstract speculations, to adopt them as the rule of our conduct. The theory is, indeed, beautiful; but sir, do we put them in

practice when brought to the experiment? I would ask the honorable senator, if he has, himself, practised them? I will not say he has not, because he assures us he has; but I will say that some part of his public conduct has exposed him to a strong suspicion of having departed from the path which he now points out as the true one, and of having wandered into that which he now thinks it is so censurable for others to have pursued.

It will be recollected, sir, that there is considerable patronage attached to the department of State. To it appertains the selection of the newspapers in which the laws of the United States are published. I well remember that while that honorable senator was at the head of that department and when the fortunes of the late administration began to wane, the patronage of publishing the laws was withdrawn from certain public journals which had long enjoyed it. What was the cause of this change—this removal from office, I believe I may call it? It was not a violent and vindictive opposition to the existing administration. Some of these journals had scarcely spoken in whispers against it. No, sir, it was for lukewarmness—for neutrality. A want of zeal in the cause of the administration was alleged to be the offence; proscription was the punishment.—Where was then that sacred regard for the freedom of opinion and the liberty of speech and action which we now hear so highly extolled? Was not this an attempt to control public opinion through the medium of the press, and to bring that press into a subserviency to the views of the men in power?

Sir, I wish not to be misunderstood. I have not alluded to these things for the purpose of accusation. I do not even complain of the manner in which the honorable senator used the patronage entrusted to him; but I do complain that he has seen fit to bring before this body the conduct of a political party in New-York as a theme of reproach and animadversion when its conduct is not distinguishable (except for more moderation and tolerance) from that of his own personal and political friends in that State—when its conduct does not differ from that pursued by political men in other States; and when it has a justification, if it needed one, in the honorable senator's own example.

## Sketch of Mr. FORSYTH'S speech in reply to Mr. Miller.

Mr. President: We were told by the senator who has just concluded, in the beginning of his extraordinary speech, that he intended to publish his remarks for his own vindication. No friend of Mr. Van Buren will complain of the fulfilment of this intention.

Of the long list of offences committed by Mr. Van Buren, it was natural that the senator should begin with those at home. He says Gen. Jackson has been separated from him and his friends by the artifices of Mr. Van Buren, and he tells us of his own zeal and devotion to the hero of New-Orleans; and read extracts from his own speech at the Waxaws, when he assured his auditors that "the philosophy of nature" was "a sufficient guaranty" for the General's "local attachment." How does it appear that Mr. Van Buren produced this dreadful separation? No evidence of it is exhibited; and, with due deference to the senator, I would suggest that he was only mistaken in his theory; "the philosophy of nature" was not so strong a guaranty as he

imagined. But, is what is insinuated, fact? Has Gen. Jackson forgotten his local attachments, the land of his birth and of his earliest affections, where he has so many devoted and disinterested friends?—No, sir, it is not possible; General Jackson has not separated himself from South Carolina, nor has South Carolina yet withdrawn from him, although the senator seems to be earnestly hunting up causes for a divorce.

The radical party of South Carolina—the Unionists—have, the Senator says, given in their adhesion from interested motives to Mr. Van Buren for the succession to the Presidency—and this is another of *his crimes*. Now, sir, I do not know that it is true that they desire the succession of Mr. Van Buren; certainly they might go further and fare worse, and fare much worse and not go quite so far. For this supposed interested adhesion, they are stigmatised here by one of their senators. I am treading, Mr. President, upon almost forbidden ground; travelling into a neighboring state to mingle in its

party strife; but I feel for these Radicals—these Unionists; we acted together in by-gone times; we think alike still; and if I were not to say a word in their behalf, as the two senators from the state are of the party opposed to them at home, they might chance to be condemned for the want of the plea of not guilty to the charge exhibited against them. Under these circumstances, I stand bound to repel the imputations cast upon the anti-nullifiers of South Carolina, and taking up the evidence, shall prove that they are unjustly charged. What is this evidence? The senator who makes the charge on the question of the Seminole War, stood by the General with firmness and zeal; defended him *right or wrong*. The Radicals were among his censurers, and the question is emphatically asked, where was Georgia then?—Georgia *then* was where she is *now*, and where I trust she will ever be found, by the side of the Unionists, standing up for the right and reprehending the wrong. The senator seems to imagine that the true patriotism consists in favor of one's friends, in ceasing to discriminate between truth and error.—Such is not our theory—for violated laws, we hold *all* responsible, *friends and foes*. Recent developments have shown that General Jackson had means of defence he disdained to use, but if there is one Georgian, one Radical, who regrets the part he took in that transaction, I thank God, to me, he is unknown. I trust, sir, that to atone for his own error in defending what he *now* insinuates *was wrong*, he does not, under the power of some master feeling, intend to censure every thing that is *right*.

Mr. Cobb and Mr. Crawford have been named by the Senator. Mr. Cobb is no longer among us to answer. He did his duty, according to his conception of that duty, in this and every other act of his public life. His friends know that his conduct was open, and his motives pure. The ground he stood upon here, he never abandoned while he lived. Mr. Crawford, I am surprised the Senator should think—[Mr. MILLER said he alluded to Mr. Crawford (Joel) a member of the house of representatives when the Seminole question was agitated.] I am glad to be corrected. Mr. Joel Crawford acted with his friends, and is guilty of the charge of having voted for enquiry into the Seminole war. He lives to remember, not to regret that act.

This Union party, which seems to haunt his imagination, if I am not strangely mistaken, had the honor, a short time since, to number him as a member of it. (Mr. MILLER denied that he had ever been.) Well, sir, the Senator ought to know: but in this fact, I cannot be mistaken—the Senator was a candidate, brought forward by that party, for the state government—and the cause of postponing for two years the elevation of the accomplished gentleman who now stands at the helm of her affairs. The recollection of that fact should have prevented a charge against them of being, from selfish motives, love of office, devoted to the dominant power: following like the sun-flower, the motions of the risen sun. To this last charge, I do not plead for them, not guilty—they do follow, *like the sun-flower*—the sun-flower does not change its attitude for the rising, or the meridian, or the setting sun. Elevating its broad face to the light of heaven, it stands unchanged, and is found when he sets in the western, as it stood when he rose in the eastern sky. Poetically understood, as Ovid describes the heliotrope, the Senator is right; what is good in poetry is not always good in prose, and the charge is, that for interest sake, the South Carolinians, unfriendly to the Senator, know no will but the President's, and are obedient to his whistle.

We are taught to expect shoals of them here, seeking as the rewards of devotion, honors and trusts, foreign missions, &c. &c. one of them being already before us, as the avant-courier of a thousand more! No allusion could have been more unfortunate. Who and what is the gentleman at whom this arrow has been cast, the first of the shoal of office seekers! Why, sir, the Senator himself speaks highly of his character. Described by his colleague, he is a high-minded man, of extensive information, and unsullied integrity, in whose hands the best and dearest interests of the people may be safely confided. And are such men office seekers, and interested devotees to existing power in South Carolina? If so, what are the patriots? They must be angels. They cannot be men. The Senator may eulogize his friends to the utmost of his power, exalt them in the scale of talent and integrity to the highest pitch; I venture to place his opponents by their side, and challenge comparison, without fearing or intending to depreciate in the slightest degree the honor of any of South Carolina's distinguished sons.

The arrangement of the first Cabinet did not please the senator. South Carolina was neglected. Governor Hamilton was told he might have been Secretary of War, but for his violence against the tariff; and what seemed to have added venom to the sting, South Carolina was not only passed over, but an Attorney General was looked for in Georgia; and all this was the work of the Dom Daniel of New-York. The senator is difficult to please. He liked not the first, and likes less the second Cabinet. But how was the fact in regard to Governor Hamilton? If my memory deceives me not, he has publicly declared he might have had office, had he desired; he did not desire it. In this, and in all other things, he is incapable of deceit. Passing over the unpardonable offence of going to Georgia for a member of the first Cabinet, does the senator really suppose the choice of the late Attorney General was the work of Mr. Van Buren? [Mr. MILLER nodded an assent.] The senator never committed a more egregious mistake. Of all the men of the day, his equals in professional attainments and talents, admitted to be great, I think he is the last man who would have been selected by Mr. Van Buren; and sure I am, Mr. Van Buren is the last man on earth to whose influence the late Attorney General would have been willing to owe his place.

Considered as the originator and the fosterer of the disagreement between the first and second officers of the Government, Mr. Van Buren is to bear the extremity of the Senator's wrath. On this subject, Mr. President, I can only refer the Senate to the explicit and prompt denial of the justice of the charge by the party accused, long since publicly made, and never yet impeached by any one having a claim to character. The facts before the public prove that the charge is the coinage of a distempered brain, baseless as the fabric of a vision. If the senator has any desire to enter into further enquiry, I repeat here this explicit and positive denial, in the name of an absent friend; and if he ventures upon the investigation, I pledge myself to satisfy even his pre-occupied mind, that not a shadow of suspicion can rest upon Mr. Van Buren's fame. I speak on the highest authority, when I state to the Senate, that his deportment in relation to that controversy, deserves the respect and admiration of every honorable and delicate mind.

The Globe! the Globe! the official paper, has abused the Senator and his friends. The editor was brought here by Mr. Van Buren, and he is accountable for all it contains—all that is bad, I mean: he gets credit for no good, appear where it may.

This charge is made because the *Globe* is called the Government paper, Mr. Van Buren and the Government being previously identified. I must not be misunderstood as defending the editorial management of the *Globe*. I see with regret many attacks on persons for matters that ought not to be brought before the public. I detest all investigation of the private transactions, all malignant scrutiny into the every day business of political aspirants. Their private characters are known to the people; and so far as character should operate to their prejudice, it will be weighed. Even the defensive re-creminations of the *Globe*, deserve censure. But, sir, I do not admit that Mr. Van Buren or the Administration, is responsible for the lighter offences, much less the enormities of any newspaper writer—even for the *Globe*, which, black as the gentleman may consider it, is as pure as this unsullied sheet, compared with the journals that are published by its side. But does the Senator mean to assert that every one who aids in the establishment of a newspaper, is responsible for its enormities? Will the Senator consent that his friends and *all* his opponents shall be judged by the same rule? I ask him to glance his eye back over the history of the press in this District for a few past years. Does he remember the *Federal Republican*, the *Washington City Gazette*, the *Washington Republican*? Does he know any thing of the *National Journal* and the *United States Telegraph*? Has he present to his recollection the atrocious calumnies by which they have been polluted—their dark insinuations and open falsehoods, by which the reputation of the virtuous of both sexes has been wantonly and grossly assailed! Slander has flown—still dies to all corners of our country as if borne on the wings of the wind. If all these things are present to his view, will he admit that those who patronized these Journals were participators of those hateful crimes? Can he trust the reputation and honor of his friends to the application of his own rule?

[The VICE PRESIDENT asked if the Senator from Georgia had any allusion to the occupant of the Chair?

MR. FORSYTH. By what authority, sir, do you ask that question?

The VICE PRESIDENT said the allusion appeared to be so direct, he had a right to ask the question.

MR. FORSYTH. I deny the right; and if it is considered as a question of order, I appeal to the judgment of the Senate.

The VICE PRESIDENT said if the allusion was directed to him there was no foundation for it.

MR. MILLER rose and addressed the chair.

MR. FORSYTH claimed the floor, which he said he was in some danger of losing between the chair and the senator.

The VICE PRESIDENT said the Senator from Georgia is entitled to the floor.

MR. FORSYTH. That being understood, I give way with pleasure to the Senator for any explanation he may desire to make.

MR. MILLER explained, and concluded by saying—as to the rule by which he judged others in relation to the official press, he was willing that it should be applied to himself and his friends.]

MR. FORSYTH replied to the argument as explained, and then said—As to the public press, the Senator consents that he and his friends shall be judged by his own rule. Then God help the Senator's friends, for they are beyond all human aid, and so are all those who patronize and support, in times of

high party strife, a thorough-bred partizan newspaper. Leaving to others to adopt or reject the rule, and to apply it or not to the patrons and supporters of the *Journal* and *Telegraph*, and to the former patrons of the *Washington Republican*, the *Washington City Gazette* and *Federal Republican*, I deny, explicitly, Mr. Van Buren's responsibility for any articles of the *Globe*. If the senator will produce satisfactory proof that he has been instrumental in establishing a press, here or elsewhere, for the purpose of dragging down by calumnies any good man's name, my vote shall damn him here—my voice everywhere.

In the spirit of manly frankness, not in the spirit of this discussion, I appeal to the senator to reflect upon the irreconcilable contradiction between all his conclusions to Mr. Van Buren's prejudice, and the character of the Chief Magistrate—not the character of the President with his present friends and the people, but according to his own conceptions of that character before the President had the misfortune to think that the senator and his friends were pursuing a policy dangerous to the union of the states. He was, as described by the senator, all that was good and great, and performed with the purest patriotism more important services than any man since the days of Washington. His known firmness has been called obstinate self-will, by his adversaries, and he has been held up by his enemies as a roaring lion, requiring implicit obedience from all who venture to approach his den. Take the good or the bad of this description—judge this matter by the opinion of the President's friends, by the senator's, or by the President's enemies, and the part allotted to Mr. Van Buren could not have been played here. What, sir, this pure patriot, this great public benefactor—this self-willed, obstinate man—this roaring lion, to be a wet rag in any man's hands; a nose of wax, to be pinched into any and every shape by Mr. Van Buren's fingers! If the senator will calmly reflect, he will be compelled to acknowledge that he is or has been greatly mistaken. The President is not what he declared him to be—what his friends or his enemies believe him to be—or else flagrant injustice has been done to Mr. Van Buren. I will not quarrel with the senator's choice. He may take either branch of the alternative. He cannot hold both.

The formidable array of facts in support of his charge of corrupt management against Mr. Van Buren, reminds me of an occurrence said to have happened in France. There is, it seems, such a thing as an action to recover damages for seduction, which may be brought by an unfortunate lady who has listened too credulously to a flattering tongue. A pretty lady, who had quarrelled and parted with her lover, called on an advocate to bring a suit for the damages she had sustained. She described the origin and progress of the *liaison*, the happiness she enjoyed while it lasted, and the time of its duration, and then its fatal end. The advocate listened with profound attention to the story, and saw that it was one of those cases in which it was difficult to say who was in fault, the gentleman or the lady, and that an action could not be maintained for seduction.—How to convey this, without offending the fair one, was the difficulty. All Frenchmen, of all professions, avoid that as the deadliest of sins. The advocate managed it with the proverbial skill of his profession and of his country. "Madam, it would give me infinite pleasure to obey your wishes, and punish the ingrate who has separated himself from so much beauty; but I am obliged to tell you that the facts are not sufficient to support an action."—

This seemed very strange to the lady, as she had been very minute in her detail of all the facts.—Pouting and petulant, she left the advocate to his books and briefs. The whole affair was forgotten by him; but in the course of a few days the lady burst triumphantly into his room, exclaiming with joyful

eagerness, “another fact, sir; he seduced me again this morning.” And so it is with the senator. His facts, like the lady’s, do not go to the point he must reach to effect his purpose. Each one is like unto the other, and all like the *seduction of that morning*.

## Remarks of Mr. BROWN of N. C., on Mr. Van Buren’s nomination.

Mr. BROWN said, that unwilling as he had been, to participate in this discussion, he could not, in justice to his own feelings, and to the distinguished individual, whose nomination, as Minister to England, was then before the Senate, refrain from giving utterance to the mingled sentiments of indignation and regret, at the course which the debate had taken.—A course which struck him as at least extraordinary, and extremely unjust towards the nominee.

The acrimony with which Mr. Van Buren had been assailed, the epithets which had been so liberally bestowed on him, required some vindication at the hands of those who were favorable to confirming his nomination, against the injurious, and as he believed, unwarrantable charges which had been preferred against him. He would here take leave to remind gentlemen, that reproachful epithets afforded but a poor substitute for argument and more especially when addressed to a body, whose deliberations should be governed by calm and dispassionate consideration.

The Senate had been told by the honorable gentleman, (Mr. Clay,) who had preceded him in this debate, that Mr. Van Buren, when acting as Secretary of State, had disgraced his country, by certain expressions contained in his instructions, given to Mr. McLane, late Minister to England, in relation to the negotiation between the United States and Great Britain, on the subject of the West India trade. Waiving all discussion as to whom the responsibility should attach, for instructions given to our foreign Ministers, whether to the President of the United States or to his Secretary of State, he would concede to those opposed to the nomination, the principle contended for by them, that the Secretary of State was responsible for his official conduct, to the fullest extent. He knew Mr. Van Buren too well, to believe, for a moment, that he would desire that any shield should be interposed to screen him from a proper responsibility; he believed he would sooner court the strictest inquiry, than endeavor to escape from it. But to return to the instructions.—What was the language which was deemed so exceptionable? In order to remove the impression, that a feeling of hostility was felt in this country towards Great Britain, which the improvident course of the late administration in relation to the West India trade had produced, the late Secretary of State, had alluded in his instructions, to the change which the people of the United States had made, in those who administered our government, in the following language: “the opportunities which you have derived, from a participation in our public councils, as well as other sources of information, will enable you to speak with confidence (as far as you may deem it proper and useful so to do) of the respective parts taken by those to whom the administration of this government is now committed, in relation to the course heretofore pursued upon the subject of the colonial trade. Their views upon that point have been submitted to the people of the United States, and the counsels by which your conduct is now di-

rected, are the result of the judgment expressed by the only earthly tribunal to which the late administration was amenable for its acts.”—In making this suggestion, Mr. Van Buren had asserted what was most true; public opinion had discarded the late administration from power, and the party to whom the people of the United States had committed the reins of government, had been, and were then, favorable to the proposed arrangement. He could therefore recognise in this no solid objection; but to his mind, it had more the appearance of the captiousness of verbal criticism, than any thing else. If there was any thing in the language which he had noticed, of a submissive tone, as gentlemen had supposed, by proceeding a little further, in the instructions, they would have found language which would effectually have removed all their apprehensions, and shows if the late secretary of state knew how to use the language of conciliation, he also knew how to speak in a tone of manly firmness when urging the just claims of his country. That part of the instructions to which he had reference was as follows: “If Great Britain deems it adverse to her interests to allow us to participate in the trade with her colonies, and finds nothing in the extension of it to others, to induce her to apply the same rule to us, she will, we hope, be sensible of the propriety of placing her refusal on those grounds. To set up the acts of the late administration, as the cause of forfeiture of privileges which would otherwise be extended to the people of the United States, would, under existing circumstances, be unjust in itself, and could not fail to excite their deepest sensibility. The tone of feeling which a course so unwise and untenable is calculated to produce would doubtless be greatly aggravated, &c.” Here was language firm and spirited, and indicating any thing else but a disposition to yield or compromise the honour of the country, and he could not but consider it as extremely unjust on the part of the opponents of the nomination, to single out detached parts of the instructions without adverting to their general tenor, and viewing them as a whole; the only fair rule to be resorted to in the exposition of public documents.

But to come back to the charge of disgrace which had been so strongly urged and relied upon. How, sir, has the Minister to England disgraced his country? Where was the evidence of the imputed disgrace to be found? Was it to be found in the fact that an arrangement has been made between the U. States and Great Britain, in relation to her colonial trade, substantially on the very same basis, as that proposed under the administration of Mr. Adams, and were gentlemen *who then* approved that measure, *now* prepared to condemn the present administration for having succeeded in forming such an arrangement with the British government, as the late administration had proffered, and had failed to accomplish? Sir, said Mr. B., it appears to me that there lies the rub; the objection to Mr. Van Buren, he feared with some gentlemen, was not that he had *done too little*, but that he had *done too much*.—

Under his auspices as Secretary of State, a restoration of the West India trade had been effected, which the late administration had, by several successive missions in vain endeavored to effect for several years.

He called on gentlemen who had spoken so pathetically of their country's disgrace to adduce some proof in support of the charge—when had the American name stood more honored abroad? Under what administration from the origin of the government to this time, had the national character held a more lofty elevation? There was no civilized country, but what American character, American institutions, were themes of the highest panegyric, and none more than in that country, with whom this dishonorable transaction, is said to have taken place. The lively sensibility which the President had on all occasions shown to the honor of his country forbade the supposition, that he would ever have sanctioned instructions to a foreign Minister, by which the character of his country was to be compromised. That he had authorised the language of conciliation to be used in the instructions to the minister to England, was most honorable to him. From what President could a spirit of conciliation and courtesy towards England, come with more propriety than from him, by whose valor in the field, her pride had been humbled.

There is no mark more infallible, as regards the degree of wisdom with which a nation is governed, than the respectability of that nation in other countries. All history will testify to the truth of the remark, that an administration conducted feebly, is contemptible abroad, and that which is conducted with wisdom and vigor, never fails to secure respect.

Mr. Brown said he would not institute a comparison between the management of our diplomatic affairs, under the present administration, and that which had preceded it, and it would be from no apprehension, that the result would not redound greatly to the credit of the existing administration.

Mr. Van Buren had, he believed, while acting as

Secretary of State, accomplished more in less time than any of his predecessors. Comparatively inexperienced in the new station in which he had been placed, the readiness with which he had adapted himself to it, the rapidity with which he had been called to act, the ease with which he had comprehended the arduous and difficult duties of Secretary of State, bore honorable testimony to his abilities as a statesman.

It had been objected to the nominee, that he had introduced into the government of the U. S. the party intrigues and discipline, said to prevail in his own State. Without stopping to notice what he considered an unjust reflection, on the public character of a great and patriotic member of this confederacy, he called upon those who made the charge, to support it by proof. It was honorable to the reputation of Mr. Van Buren, both public and private, that when his enemies were asked to furnish evidence, in support of the charges urged against him, that they were unable to fix upon him any one of them, by the semblance of proof. Possessing talents of a high order, and rapidly growing in the esteem of his countrymen, it was not a matter of surprise, that he had been marked out, as the victim of unmerited persecution.

Mr. B. could conceive of no adequate reason or motives for rejecting the nomination of the Minister to England. He was peculiarly fitted for the station which he then filled.—His thorough and intimate acquaintance with the commercial relations of the two countries, pointed him out as a fit and proper representative of our interests at the Court of Great Britain. The State of New York had repeatedly vouched for his character and standing, by bestowing on him the highest civil honors within her gift. Mr. B. said, he therefore, considered it a duty, which he owed to the country, and to the individual then representing us at the Court of Great Britain, to vote for confirming his nomination.

## CORRESPONDENCE.

### Letter of the Republican Members of the New-York Legislature, to the President.

*Albany, February 9, 1832.*

To his Excellency ANDREW JACKSON,  
President of the United States.

Sir—The undersigned in the performance of the duty with which they have been charged by the republican members of the legislature of the state of New York, have the honor to transmit herewith, the proceedings of a meeting held by them in the Capitol of this state, on the 3d instant. In doing so, they cannot restrain the expression of the strong feelings of indignation with which they view the act to which those proceedings refer.

A great majority of the citizens of this state have given repeated evidences of the high estimation in which they have held your administration of the affairs of the nation.—The inflexible integrity which has marked every act of your public life—the more than military courage, with which the responsibilities of your high station have been assumed, and the constant regard manifested by you to the purity of the Constitution, have strengthened their attachment to your person and your government; and they have not been regardless of the manner in which the splendid career of a military life, has been followed by the many signal blessings which your civil administration, has bestowed upon our country.

This state witnessed with pride, the selection of Mr. Van Buren by your Excellency as your Secretary of State: Our citizens had given repeated evidences of their confidence in him. With the watchfulness becoming a free people, they had regarded his conduct, in the various stations to which he had been called, by the constituted authorities of the state. They had witnessed his attachment under all circumstances, to the principles of the democracy of the country, and they had then recently evinced the extent of their confidence by elevating him to the highest office within their gift. They felt that your Excellency's removal of him to a wider sphere was an act of justice at once to his capacity, honesty and fidelity to the constitution, and to the character of this state and the feelings of its people. They cheerfully acquiesced in that removal, and freely surrendered their

most distinguished fellow-citizen to your call, because they recognised in it additional confirmation of the high hopes they had imbibed of the character of your administration. They saw with undissembled pleasure, his efforts to aid your Excellency in your successful attempt to restore the government to its purity; and when his withdrawal from the high station, to which your partiality had exalted him, became necessary for the preservation of your peace against the attacks of those who were alike enemies to your person and your principles, they beheld in your continued confidence in him, irrefragable proof, that no combination could close the eyes of your Excellency, to the cause of your country, and no personal considerations, arrest your efforts for the common welfare. They saw, that amid the assaults made upon your principles by unfaithful servants, the honor of our country was not lost to your view, and they felt, that the same ardent patriotism, which had been manifested on the walls of New-Orleans, had been brought into the administration of the government. They saw and felt this, in the effort made by your Excellency, to acquire by frank and honest negotiation, that for which we had warred with Great Britain; which had been abandoned if not surrendered by subtle diplomacy; and upon which your Excellency, at least, had not been silent.

The people of this whole country, felt indeed that their confidence in your Excellency was not misplaced, for they saw and knew that no considerations of a private nature could for a moment affect your ardent desire to promote the common weal.

It is true they were aware that there were citizens in this Union, who could justify and participate in this surrender of "free trade and sailor's rights," who could "calculate the value of the Union," and who could laugh at our calamities in a period of war and general distress. But they could not believe that such feelings could sway any branch of our hitherto unsullied government, and least of all, that they would ever dare combine to impede the attempt of your Excellency, to secure

that for our country, for which we had expended millions of our money, and for which thousands of our citizens had laid down their lives.

Your Excellency has ever appreciated the feelings of the people of this country, and it will not now be difficult for you to judge of those which pervade this whole community, against an act unprecedented in the annals of our country; which has impaired the hitherto exalted character of our national senate—which has insulted a State that yields to none in attachment to the Union; and which has directly attacked an administration that is founded deep in the affections of the people.

The state of New-York, sir, is capable in itself, of avenging the indignity thus offered to its character, in the person of its favorite son. But we should be unmindful of our duty, if we failed in the expression of our sympathy with your Excellency's feelings of mortification, at this degradation of the country you have loved so well. Yet be assured, sir, that there is a redeeming spirit in the people, and that those whom we have the honor to repre-

sent, ardently desire an opportunity of expressing their undiminished confidence in an administration, which has exalted the character of our country, which has restored the purity of the government, and has shed abroad upon the whole nation the continued blessings of peace and prosperity.

In the fervent hope, that your Excellency may yet be spared many years to bless and adorn the only free nation upon earth, we remain  
Your sincere friends, and

Very humble servants,

N. P. TALLMADGE,  
THOMAS ARMSTRONG,  
LEVI BEARDSLEY,  
JOHN F. HUBBARD,  
J. W. EDMONDS,  
CHAS. L. LIVINGSTON,  
G. OSTRANDER,  
J. W. WILLIAMSON,  
PETER WOOD,  
ED. HOWELL,  
E. LITCHFIELD,  
WM. SEYMOUR,  
AARON REMER,  
JAS. HUGHSTON,  
WM. H. ANGEL.

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## THE PRESIDENT'S REPLY.

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*Washington, February 23, 1832.*

Gentlemen: I have had the honor to receive your letter of the 9th inst. inclosing the resolutions passed "at a meeting of the Republican members of the Legislature of New-York" on the rejection by the Senate of the United States of the nomination of Martin Van Buren as Minister to England.

I am profoundly grateful for the approbation which that distinguished body of my republican fellow-citizens of New York have on that occasion, been pleased to express of the past administration of the affairs placed in my charge by the people of the United States, and for their generous offers of continued confidence and support. Conscious of the rectitude of my intentions, my reliance, in all the vicissitudes of my public life, has been upon the virtue and patriotism of an enlightened people. Their generous support has been my shield and my stay, when, in times past, the zealous performance of the arduous military duties allotted to me, though crowned with success, was sought to be made a ground of reproach: and this manifestation on the part of my fellow-citizens of the great state of New York, assures me that services

not less faithful in the civil administration will not be less successfully defended.

When such reliance fails the public servant, public liberty will be in danger: for, if the people become insensible to indignities offered to those, who, with pure intentions devote themselves to the advancement of the safety and happiness of the country, public virtue will cease to be respected, and public trusts will be sought for other rewards than those of patriotism.

I cannot withhold my entire concurrence with the republican members of the legislature in their high estimation of their eminent fellow-citizen, whom they have so generously come forward to sustain. To this I will add the assurance of my undiminished respect for his great public and private worth, and my full confidence in the integrity of his character.

In calling him to the department of state from the exalted station he then occupied by the suffrages of the people of his native state, I was not influenced more by his acknowledged talents and public services, than by the general wish and expectation of the Republican Party throughout the Union. The

signal ability and success which distinguished his administration of the duties of that department, have fully justified the selection.

I owe it to the late Secretary of State, to myself, and to the American people, on this occasion to state, that as far as is known to me, he had no participation whatever in the occurrences relative to myself and the second officer of the government, or in the dissolution of the late cabinet; and that there is no ground for imputing to him the having advised those removals from office which, in the discharge of my constitutional functions, it was deemed proper to make. During his continuance in the cabinet, his exertions were directed to produce harmony among its members; and he uniformly endeavored to sustain his colleagues. His final resignation was a sacrifice of official station to what he deemed the best interests of the country.

Mr. McLane, our then minister at London, having previously asked permission to return, it was my own anxious desire to commit the important points remaining open in our relations with Great Britain, to a successor in whose peculiar fitness and capacity I had equal confidence: and to my selection, Mr. Van Buren yielded a reluctant assent. In urging upon him that sacrifice, I did not doubt that I was doing the best for the country, and acting in coincidence with the public wish; and it certainly could not have been anticipated that, in the manner of successfully conducting and terminating an important and complex negotiation, which had previously received the sanction of both houses of congress, there would have been found motives for embarrassing the executive action and for interrupting an important foreign negotiation.

I can never be led to doubt, that, in the instructions under which that negotiation relative to the trade with the British West Indies was conducted and successfully concluded, the people of the United States will find nothing either derogatory to the national dignity and honor, or improper for such an occasion.

Those parts of the instructions which have been used to justify the rejection of Mr. Van Buren's nomination by the Senate of the United States, proceeded from my own suggestion: were the result of my own deliberate investigation and reflection; and now, as when they were dictated, appear to me to be entirely proper and consonant to my public duty.

I feel, gentlemen, that I am incapable of tarnishing the pride or dignity of that country, whose glory, both in the field and in the civil administration, it has been my object to ele-

vate: and I feel assured that the exalted attitude which the American people maintain abroad, and the prosperity with which they are blessed at home, fully attest that their honor and happiness have been unsullied in my hands.

A participation in the trade with the British West India Islands, upon terms mutually satisfactory to the United States and Great Britain, had been an object of constant solicitude with our government from its origin. During the long and vexatious history of this subject, various propositions had been made with but partial success; and in the administration of my immediate predecessor, more than one attempt to adjust it had ended in a total interruption of the trade.

The acknowledged importance of this branch of trade, the influence it was believed to have had in the elections which terminated in the change of the administration, and the general expectation on the part of the people, that renewed efforts, on frank and decisive grounds, might be successfully made to recover it, imposed upon me the duty of undertaking the task.

Recently, however, Great Britain had more than once declined renewing the negotiation, and placed her refusal upon objections which she thought proper to take to the manner of our previous negotiation and to claims which had at various times been made upon the part of our government.

The American government, notwithstanding, continued its efforts to obtain a participation in the trade. It waived the claims at first insisted upon, as well as the objection to the imposition by Great Britain of higher duties upon the produce of the United States when imported into the West Indies, than upon the produce of her own possessions, which objection had been taken in 1819 in a despatch of the then Secretary of State.

A participation in the trade with the British West India Islands could not have been, at any time, demanded as a right; any more than in that to the British European ports. In the posture of affairs already adverted to therefore, the Executive could ask nothing more than to be permitted to engage in it upon the terms assented to by his predecessor and which were the same as those previously offered by Great Britain herself. Even these had been denied to the late administration, and for reasons arising from the views entertained by the British government of our conduct in the past negotiations.

It was foreseen that this refusal might be repeated and on the same grounds. When it

became the duty of the Executive, rather than disappoint the expectations of the people and wholly abandon the trade, to continue the application, it was proper to meet the objection to the past acts of the American administration, which objection, as had been foreseen, was actually made and for some time insisted upon.

It is undoubtedly the duty of all to sustain, by an undivided and patriotic front, the action of the constituted authorities towards foreign nations: and this duty requires, that during the continuance of an administration in office, nothing should be done to embarrass the Executive intercourse in its foreign policy, unless upon a conviction that it is erroneous. A thorough change in the administration, however, raises up other authorities of equal dignity, and equally entitled to respect: and an open adoption of a different course implies no separation of the different parts of the government: nor does an admission of the inexpediency or impracticability of previous demands imply any want of respect for those who may have maintained them.

To defend the claims, or pretensions, as they had been indiscriminately called, on either side, in the previous correspondence, which had been for a time urged by the late administration, would have been to defend what that administration, by waiving them, had admitted to be untenable; and if that which had been by them conceded to be inexpedient, could not be sustained as proper, I perceive nothing derogatory, and surely nothing wrong, in conducting the negotiation upon the common and established principle, that in a change of administration there may be a corresponding change in the policy and counsels of the government. This principle exists and is acted upon, in the diplomatic and public transactions of all nations. The fact of its existence in the recent change of the administration of the American government, was as notorious as the circulation of the American press could make it; and while its influence upon the policy of foreign nations was both natural and reasonable, it was proper, according to my sense of duty, frankly to avow it, if the interests of the people of the United States should so require.

Such was the motive, and such and nothing more, is the true import of the instructions, taken as a whole, which I directed to be given to our minister at London, and which neither expressed nor implied condemnation of the government of the United States, nor of the late administration, further than had been implied by their own acts and admissions.

I could not reconcile it to my sense of public duty, or of national dignity, that the United States should suffer continued injury or injustice, because a former administration had insisted upon terms which it had subsequently waived, or had failed seasonably to accept an offer which it had afterwards been willing to embrace. The conduct of previous administrations was not to be discussed either for censure or defence; and only in case "the omission of this government to accept of the terms proposed when heretofore offered," should "be urged as an objection now," it was made the duty of the minister "to make the British government sensible of the injustice and inexpediency of such a course."

Both the right and the propriety of setting up the past acts of previous administrations to justify the exclusion of the United States from a trade allowed to all other nations, was distinctly denied; and the instructions authorised the minister to state that such a course towards the United States "under existing circumstances, would be unjust in itself, and could not fail to excite the deepest sensibility—the tone of feeling which a course so unwise and untenable is calculated to produce, would doubtless be greatly aggravated by the consciousness that Great Britain has, by orders in council, opened her colonial ports to Russia and France, notwithstanding a similar omission on their part to accept the terms offered by the act of the 5th July, 1825;"—he was told "that he could not press this view of the subject too earnestly upon the consideration of the British ministry;" and the prejudicial influence of a course on the part of the British government so unwise and unjust upon the future relations of the two countries, was clearly announced in the declaration that "it has bearings and relations that reach beyond the immediate question under discussion."

If the British government should decline an arrangement "on the ground of a change of opinion, or in order to promote her own interests," a prompt avowal of that purpose was demanded; but if they should not be prepared to take that ground, "but suffer themselves to desire that the United States should in expiation of supposed past encroachments, be driven to the necessity of retracing their legislative steps without knowledge of its effect, and wholly dependent upon the indulgence of Great Britain," they were to be made sensible of the impracticability of that course, and to be taught to expect such measures on our part as would vindicate our national interest and honor. To announce

distinctly to Great Britain that we would not submit to a continued injustice, on the ground of any objection to the past conduct of the American government, whether it were right or wrong, was the obvious import of the whole instructions.

If the Executive had caused it to be stated to Great Britain, that finding his predecessors to have been in error, as was implied by subsequently waiving the terms they had advocated, and had, in expiation of those errors, abandoned the trade to the pleasure of the British government, the interests of the United States would have suffered, and their honor been reproached; but in excluding such considerations, as inappropriate and unjust, and in clearly avowing his purpose not to submit to such treatment, he hoped to promote the interests of his fellow citizens, and sustain the honor and dignity of the country.

In all this, gentlemen, I have the approbation of my judgment and conscience. Acting upon the principle, early announced, of asking nothing but what is right, and submitting to nothing that is wrong, I asked that only of which the justice could not be denied. I asked a participation in the trade, upon terms just to the United States, and mutually advantageous to both countries. I directed a simple and distinct proposition, in conformity with these principles, to be submitted to the British government; and, resolving to be content with nothing less, I ultimately arranged the trade upon the basis of that proposition, without retraction, modification or change.—If the national honor had not been thought

tarnished by retracing our steps, by claiming more and ultimately consenting to take less, and in fact obtaining nothing; I feel assured, that in requiring that which my predecessors had conceded to be enough, and obtaining all that was demanded, my countrymen will see no stain upon their dignity, their pride, or their honor.

If I required greater satisfaction than I derive from a review of this subject, I should find it in the gratitude I feel for the success which has crowned my efforts. I shall always possess the gratifying recollection, that I have not disappointed the expectations of my countrymen, who, under an arrangement depending for its permanence upon our own wisdom, are participating in a valuable trade upon terms more advantageous than those which the illustrious Father of his Country was willing to accept; upon terms as favorable as those which regulate the trade under our conventions with Great Britain, and which have been sought without success from the earliest periods of our history.

I pray you, gentlemen, to present to the republican members of the legislature of New-York, and to accept for yourselves individually, the assurance of my highest regard and consideration.

ANDREW JACKSON.

Messrs. N. P. Tallmadge, Thomas Armsong, Levi Beardsley, John F. Hubbard, J. W. Edmonds, Chas. L. Livingston, Gideon Ostrander, John M. Williamson, Peter Wood, E. Howell, Elisha Litchfield, William Seymour, Aaron Remer, James Hughston, William H. Angel,

## GEN. SMITH AND MR. CLAY.

[From the National Intelligencer]  
TO THE EDITORS.

GENTLEMEN: Please to give a place in your paper of to-morrow (if practicable) to the enclosed statement, and you will greatly oblige

Your obedient servant,  
12th February, 1832. S. SMITH.

In a speech of Mr. CLAY's, made in the Senate and reported in the Intelligencer of the 30th January last, that gentleman stated, "It (the bill for meeting the British act of Parliament) was brought before Congress in the session of 1825-6, not at the instance of the American Executive, but upon the spontaneous and ill-judged motion of the gentleman from Maryland, (Mr. SMITH,)" &c.

In my reply, I made the following remarks:

"Before I finish my remarks, Mr. President, I will notice what was passed between the then Secretary of State, (Mr. Clay,) and myself, in relation to the act of Parliament of July, 1825. I first saw a copy of that act in Baltimore, and mentioned it to the Secretary. He said that he had the act in his possession, and handed it to me. I asked him, whether the terms proposed were satisfactory. He said that he considered they were all we could ask. I then observed, why not issue a proclamation under our acts, and thus open the trade? He replied, that he would prefer negotiation. I asked—why? for what will you negotiate? We have nothing to do, but to give our assent, and the trade is at once opened. I had the act printed, and handed a copy to Mr. Adams, who had never seen it before. He agreed *that the terms were satisfactory*. I then pressed him to issue his proclamation, and told him that if he did not, I should be compelled to introduce a bill. He remarked, that he wished I would do so, and that he would not only sign it, but sign it with pleasure. I did prepare a bill, under the order of the Senate, and, doubtful whether it might be correctly drawn, so as to effect my object, I sent it to the then Secretary of State (Mr. Clay,) with a request that he would correct it if necessary. He replied in writing to this effect, "that the bill was drafted to meet my object, that it was so doubtful whether it were best, to act by a law, or by negotiation, that it was indifferent which course should be adopted."

In answer to these, there appeared the following note, appended to a speech of Mr. CLAY, and published in the Intelligencer of the 9th instant:

"There is a statement in the published speech of Gen. Smith, which if he made it in the Senate, did not attract my attention. He says he asked me whether the terms proposed by the British act of

Parliament of July, 1825, were satisfactory; and that I said I 'considered they were all we could ask.' Now I am perfectly confident that the Senator's recollection is inaccurate, and that I never did say to him that the terms proposed by the act were all we could ask. It is impossible I should have said so. For, by the terms of the act, to entitle Powers not colonial, (and of course the United States) to its privileges, those Powers are required to place the commerce and navigation of Great Britain (European as well as colonial) upon the footing of the most favored nation. That is, if we had accepted the terms as tendered on the face of the act, we would have allowed British vessels all the privileges which we have granted by our treaties of reciprocity with Guatemala and other Powers. The vessels of Great Britain, therefore, would have been at liberty to import into the United States, on an equal footing with our own, the productions of *any* part of the globe, without a corresponding privilege on the part of our vessels, in the ports of Great Britain. It is true that the King in Council was authorized to dispense with some of the conditions of the act, in behalf of Powers not possessing colonies. But whether the condition, embracing the principle of the most favored nation, would have been dispensed with or not, was unknown to me at the time the Senator states the conversation to have happened. And, long after, Mr. Vaughan, the British Minister, was unable to afford any information as to the act of Parliament. That very authority, vested in the King, demonstrates the necessity there was for further explanation, if not negotiation.

"With respect to the note from me to the Senator, which he says he received accompanying the draft of the bill introduced by him, it would be more satisfactory if he would publish the note itself, instead of what he represents to be an extract. H. C."

All my papers being in Baltimore, it has not been in my power to ascertain whether I have preserved the note alluded to, and the purport or "effect" of which, I had undertaken to give from memory. I therefore addressed a note to Mr. CAMBRELENG, who was a member of the Committee of Commerce in the House of Representatives at the time, to enquire whether he had had any communication, either verbal or written, with Mr. CLAY, on the subject. The following is his answer, which, as it appears to me, clearly, fully, and substantially sustains the statements made by me, from recollection:

WASHINGTON, 11th Feb. 1832.

Dear Sir: I have your note of this date inquiring whether I had any written or verbal communi-

cation with Mr. Clay, when Secretary of State, on the subject of the act of Parliament of July, 1825.

After the passage of that act, the Comptroller of the Customs of Halifax, Nova Scotia, construed its provisions as applicable to vessels of the United States in that trade, and I had occasion to call Mr. Clay's attention to that fact. That construction was afterwards overruled, by an order of the Colonial Government of the 23d of January, 1826.— Having brought the act of Parliament to the consideration of Mr. Clay, I suggested the propriety of reciprocating its provisions, in order to prevent the interdiction of our commerce with the British West Indies. I stated to him my intention of moving a resolution upon the subject, unless it should interfere with some arrangement of Government. I understood Mr. Clay as assenting to the propriety and necessity of adopting some reciprocal measure, and as expressing a desire that Congress would act upon the subject. Believing that I was acting entirely in accordance with the views of the Administration, I submitted, on the 25th January, 1826, the following resolution:

“That the Committee on Commerce be instructed to enquire into the expediency of amending the act of March 1st, 1823, so as to authorise the President of the United States to remove the discriminating duties now imposed on British vessels and their cargoes, upon their entry from any British American possession; whenever he shall have been officially informed that American vessels and their cargoes are in like manner admitted into the British American colonial free ports.”

Some days afterwards, I received from you a note of Mr. Clay's, which he had requested you to shew me, stating, according to my recollection, that when he had conferred with me, he had expressed an opinion in favor of legislation—that, upon reflection, he thought it would be best to secure this trade by negotiation—but though favoring the latter course, it was a doubtful question, and if Congress should legislate, the Government ought to acquiesce. I never heard, at that time, any objection made to the terms of the act of Parliament—the only question then was, whether the trade, according to the stipulations of the act, should be secured by negotiation or by legislation. My impression was, that an act of Congress promptly rescinding the restrictions of the act of March, 1823, would have been immediately followed by such an order in Council as was required by the act of Parliament, upon opening this trade to the countries not possessing colonies.

I am, &c.

C. C. CAMBRELENG.

Hon. S. SMITH, Maryland.

It might have been added in my remarks, that the “motion” was not spontaneous on my part, but was the necessary consequence of a memorial from a highly respectable portion of my constituents, which memorial was ultimately, on motion of Mr. TAZEWELL, referred to the Committee of Finance, by whose order, the bill was reported.

S. S.





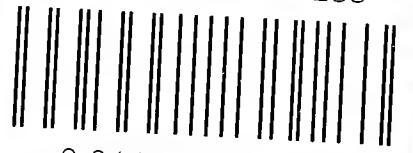








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